



HISTORIC RESOURCES BOARD MEETING

MINUTES: November 9, 2023

Council Chamber & Virtual Zoom

8:30 A.M.

Call to Order/Roll Call

Present: Chair Alisa Eagleston-Cieslewicz; Vice Chair Samantha Rohman; Board Members Caroline Willis; Michael Makinen, and Margaret Wimmer, and Christian Pease

Absent: Board Member Gogo Heinrich

Agenda Changes, Additions and Deletions

Public Comment

Philip Roberts, Vice President, Palo Alto Stanford Heritage, spoke to the Board on behalf of his organization as well as himself and his wife. He said he and his wife own a house built in 1899, and are currently undergoing a remodel to increase the size of the house to accommodate space requirements of their children. Their house is not listed on any historic register. He and his wife feel that much of the value, charm and character of their surroundings are held in things that have persevered over time, whether buildings or neighborhoods, things that remind them of the beginnings of their community and its progress to the present, and things that remind them of notable past citizens or recognized architects. Respect for the value of their historical heritage is why they have chosen to preserve the architectural style and materials natural to their house when it was built. He said they have the same concerns as all homeowners probably have, about someone else deciding to subject their house to restrictions imposed by being listed. He said this is why they wanted to suggest that the HRB recommend amendments to the Code that make being added to the Historic Resources Inventory completely voluntary. Also, the existing advantages would need to be incentivized to directly educate and involve the homeowners and give them substantial property tax rebates to maintain their historical homes, and make them proud to be part of their heritage.

John Kelley stated that he wished to associate himself with the prior comments of Mr. Roberts. He felt the most important thing the Board could do at their next properly noticed meeting would be to establish an action item whereby the Board makes a recommendation to the City Council that the Historic Ordinance be amended. The amendment he wished to speak to would simply say that no property in Palo Alto goes on the historic registry without the permission and consent of the owner of the property. He said this would dispel much of the public concern about what is happening in the process and it would rejuvenate the consideration of historic properties in Palo Alto generally. He agreed with Mr. Roberts that there should be a separate action item to promote very substantial and well-considered incentives for people to be listed voluntarily on the registry. He reiterated that, without the consent of the owners, no property should go on the registry.

Benjamin DiCicco said that he grew up in Palo Alto, and moved back a few months ago. His family has owned a nationally and locally Category 1 property on University Avenue, gateway to Stanford. He said he was reading about the Board's potentially proposed Mills Act program, and is very interested in seeing this move forward through the HRB and City Council. He asked the Board to let him know if he can help or get involved in any way. He said they have enjoyed their stay in Palo Alto and want to continue looking at the program and the restoration of properties that are influential in the community and nationally.

Tom Gallagher seconded the remarks of the first two speakers. He owns a house at 1011 Fulton Street, one of the properties under the Board's consideration. He would like to see a comprehensive list of the restrictions that accompany a house being added to the historic inventory. He currently has no idea what it would mean, whether it means an owner cannot change the exterior appearance from the front or the back. He said if the City would generate a document that explained the restrictions applicable to such residences [in the Historic Ordinance] and the City's building code, it would be very helpful.

Amnon Levy stated that he owns a property on Copper. He wanted to echo the first two speakers and said he thinks it a very good idea to have the homeowner participate in a process and to have some sort of clause that would allow a homeowner to voice their opinion at a hearing, but also to have a measure of either approval or interest. He hoped the City Council would take this into consideration. It could be an experiment to see how many homeowners out of the list are interested. It may be a small portion of the group that would not want to participate, and they could potentially make everyone happy by allowing them not to register.

City Official Reports

1. Historic Resources Board Schedule of Meetings and Assignments

Ms. French advised that the regularly-scheduled meetings will be held as published, coming up on December 14th, January 11 and 25. They had also talked about having the next quarterly evening meeting either at the end of January or early February. With the meeting of January 25th as a target for some of the properties that were on the current agenda, she thought that the quarterly meeting would definitely be in February.

Action Items

2. Recommendations on Nominations of Eligible Historic Resources to the City's Historic Resources Inventory Resulting from the 2023 Historic Reconnaissance Survey

Ms. French explained that this was the first hearing date for the Historic Resources Board on the inventory nominations for properties identified in the 1997 to 2000 historic survey, those identified as eligible for the National Register that are on file with the State of California's Office of Historic Preservation. She introduced Barrett Reiter and Isabel Castellano, consultants with Page and Turnbull and M-Group. She shared the Comprehensive Plan of the City of Palo Alto Land Use Element adopted in late 2017, including goal L-7. L7.1.1. speaks to updating and maintaining the City's historic resource inventory to include historic resources that are eligible for local, state and federal listing. Historic resources may consist of a single building or structure, or a district. A second program, L7.1.2. is to reassess the Historic Preservation Ordinance to ensure its effectiveness and the maintenance and preservation of historic resources, particularly in the University Avenue/Downtown area. These are two adopted goals of the City Council. In the past the HRB has talked about and shared their work plan with the Council. Both programs appear on the HRB's work plan.

The first of those is to review the previously-determined eligible resources for their eligibility for the local register and to seek nominations to that inventory. The latter goal is planned for the second half, in 2024, and one concern has been identified, which is that the Ordinance does not say what to do if a property owner objects to having their home placed on the inventory. Addressing this through a potential change in the Ordinance is identified as a need. Ms. French noted that after the staff presentation, public comment would be received from members present for Item 2. Since Board Member Willis is an owner of a property eligible for the National Register, she would need to leave the room while that property was being reviewed and action taken. Action taken would consist of a recommendation to City Council. It would not include placement of any property on the inventory at that time. Following that, Board Member Willis would return and resume participation in the group considerations.

Ms. French shared a slide indicating the number of objection letters that had been received as of the previous night. The properties of those that have sent letters would be pulled out of the group that the HRB was currently considering. There will be a meeting on January 25th to review and understand the reasons for the objections, to compile them, and talk about incentives, et cetera. Ms. French pointed out that, although not stated in the City's Code this way, the State of California's process, which provides an

example protocol for Palo Alto, states that consent of owner is not required for nomination; however a resource cannot be listed over an owner's objection. The committee looking at the properties can formally determine that a property is eligible for the California Register if the owner objects. Ms. French explained that they are not at this stage, because the properties in question have already been determined eligible for the National Register. The current task is to looking at the protocol as the example, the path, for going to Council in the spring.

Ms. French said she has had questions at the community meeting about how many single-family residential properties are on the list. Although she has not received all of the data back from staff, so far 12 of the objections are for property zoned R1. This is of interest in the media because there is an impression that the catalyst for this is the SB9 state law that would allow single-family zoned properties to subdivide and put four homes on a property, and that if it is listed on the register, that is not an option. She reiterated that the impetus for the project is not SB9, but is the Comprehensive Plan policies and programs, which happen to coincide with the passage of that particular state law.

Chair Eagleston-Cieslewicz invited comments from the public, with a reminder of the three-minute time limit in fairness to all participants.

Don Jackson noted that the Council record demonstrates that the Council's primary motivation for the review to update the historic inventory was to prevent such properties from utilizing an SB-9 authorized subdivision. Given this, he said he has asked staff what percentage of eligible residential properties are subject to SB-9, and he has not yet received an answer. He said he undertook the effort to find out for himself. He said he figured out that 37 percent of the eligible properties are not zoned R1 and are thus ineligible for SB-9. He asked in light of this why these properties are still being considered for inclusion. He proposed that at a minimum, all SB-9 ineligible properties be removed from consideration unless the property owner explicitly requests their inclusion. He said, as a former commissioner on the Utilities Advisory Commission, he had learned a lot about the City's de-carbonization and sustainability goals, of which he is a strong proponent. He said in order to practice what he preaches, he voluntarily undertook the electrification of his own home, which is finally complete after over three years. The City's existing permitting process accounted for about one year of delay to the projects. He said he strenuously objects to adding any additional reviews, consultations or limitations to the permitting process, which would be the inevitable consequence of a historic designation of his property. One element of his home's electrification was the addition of PV panels which necessitated a roof replacement. One of the best roof materials to support solar panels is standing seam metal. A historic designation may complicate and obstruct a homeowner's PV panel and/or roofing options. He said in a recent email staff state that there are some cases where there may be discussion for the best location of solar panels from an aesthetic and historic perspective. These additional restrictions on historic homes are in conflict with the City's decarbonization goals. In a catch-22 situation, although his home now has a metal roof and front yard-facing solar panels, these restricted on historic home features do not disqualify his home from historic designation. He said property owner choice is crucial. If an owner favors inclusion on the historic register it is their right, but the current nomination and review process is unfair, burdensome and stressful to owners that object to their property's inclusion. The involuntary inclusion of an owner's property on an inventory against their objection creates a ticking time bomb of uncertainty and stress with no current mechanism to opt of the multi-month ordeal. He asked the Board to define a process where a property owner can opt out of future designation efforts without need for additional hearings or review.

Dan Marshall said he just returned from a long vacation and business overseas and found the two mailers, one for his home and one for 751 Channing. He agreed with the first two public commentators and thinks it ought to be a homeowner decision. He also agreed with Mr. Jackson in that it will take time to work through the process. He said they have lived in Palo Alto for around 30 years and have put a substantial amount of money into their home. They have plans to remodel, and to put an ADU in the back. They have tried to maintain the architectural look of the house in the process. However, he feels that there should be another way to approach it. He stated that this came out of nowhere. He said they had some issues 15 years ago when they remodeled. He said at that point he wondered if he needed a lawyer or to talk to someone first. He commented that he wasn't sure what his property rights are, and that he therefore objects to having his property, 538 Churchill, on the list. He informed the Board that he didn't have time to write a letter since he just returned a couple days ago, so he wanted to voice his objection.

Perry Irvine noted that one could look out the window and see his building at 635 Bryant. He said he had prepared and distributed a letter the prior night and that he, too, had been on vacation and just learned about this situation a few days ago. He has not had the time to study all of the details of the process. He said when bought the building in 1987, it was because they wanted to have some control over their destiny when the owners of 525 University, where their law offices were at the time, booted them out without notice. He said they were not bad tenants, but [the owners] rented the place to someone else. Mr. Irvine said they then bought their building. He said it 1987 it was in terrible shape. Another lawyer and Stanford University had owned it. After buying it, they fixed it up. It had been badly remodeled in the 1950s. He believed that Edward Durel Stone had designed it and had his office in it at one time. Mr. Irvine said they discovered that there were of lot of beautiful things inside. The contractor hired a craftsman who basically replicated the original design, and they have maintained it ever since for some 36 years. At the time they bought the building they chose not to seek any historic status. He said he knows there are tax breaks, but they want to pay their taxes. At one time they were told there were limitations on the color owners could paint a building in Downtown, and they did not want such limitations. He invited Board members to come and see what they did without any incentives or restrictions imposed by the City or the County other than normal planning restrictions. He respectfully requested that the Board not include 635 Bryant in the inventory because they intend to keep it the way it is. He added that the only other two people that offered to buy the building in 1987 were commercial developers who were probably going to tear it down. But he did not tear it down.

Carrie Jeffries gave the Board background as to her experience in Palo Alto. In 2018, they bought a beautiful house at 975 Hamilton Avenue. Having driven by the house for 20 years, she fell in love with it and had every intention of keeping it true to its character. She said when they bought it and started renovating it was when they found out that it had been deemed historically significant. During the purchase process there was no designation of it that they found or that had been communicated to them by the current owner, or by the title. They first heard that it was historically significant when they went to start the renovation. She assumed it was deemed as such in 1999. She noted that the write-up on her house indicated that the project was not finalized, so there was some designation given to it, but as homeowners, they did not understand that when they bought the house. She said, in good faith and because they loved the house, they worked with the Historic Review Board. It made the process longer and more expensive, but they wanted to retain the nature of the house, so they did not fight the process but instead believed in working in partnership with their community. She said their wish is for their stately, old house to remain stately and old, but updated. She thought it interesting that the house could have had the designation, requiring them to jump through hoops, which they did so willing, but now it does not feel like they still have the same good-faith relationship with the City in this process. She said that, understanding fully what they might get out of having their house deemed historic, she said did not really want to do this, because it locks it down in time. She said she begged of the Board to take a partnership approach to this project and be forthcoming about what residents of these beautiful old homes might get out of partnering with the City, as opposed to moving forward with the current process which could include being put on a list if you're on vacation or not well-informed. She hope they could move forward and have people who want to be on the register be excited about it, and others who wish to step away from it for their own reasons have that opportunity.

Darlene Yaplee commented that so far she has visited 80 eligible homes, including those in the group of 66 to be considered. She has spoken with many homeowners, some of whom have directly expressed drawbacks of City staff reviews and restrictions on major alterations. She said the homeowners love their homes and have great appreciation for their historical character, and that is not the issue. The issue is whether or not they want to be part of the City's program. She noted that some homeowners are happy to be listed with the understood implications. Others are not. Homeowner choice should satisfy both groups. She said they wanted opt-in, which is the policy of neighboring community, Mountain View, Section 36.54.70, which directs that the application will be processed only if the owner agrees in writing to such designation. Ms. Yaplee referred to a *Palo Alto Weekly* article in which an HRB member pushed back against the idea voiced by several residents that a historical designation may lower property values. Ms. Yaplee noted a comment by an HRB at a previous meeting and said she talked to some realtors trying to get their perspective on what it means to have a house that's listed on an inventory in terms of salability. The realtors have said it narrows the buying pool and it is seen as a negative thing. She shared points from a

letter sent from a realtor, Micheal Dreyfus, and 11 real estate agents to the HRB and City Council the previous night. The letter suggested that in Palo Alto a historical classification can reduce a property's value by 10 to 20 percent and that, while historic restrictions preserve a property's existing condition, the preservation may come at considerable financial cost to the owner.

Jan Gabus, owner of 243-245 Webster, stated that he does want 243 to be in the historic register, but 245 is the "shack in the back," and he hoped to change it to an architecturally appropriate ADU.

John Bard said he has been an active participant in this process, attending several HRB meetings and also the reconnaissance survey. His property at 947 Waverly is on the list as an eligible property. He has submitted a letter to have it withdrawn from consideration, so he assumed they would be back in January as well. He thanked the Board for the opportunity to share input and reiterated some of his points from past meetings. He feels that the incentives for being on the list are not sufficient to for most residential properties to take the risk of being on the list and being subject to restrictions yet to be defined or identified. Also, there is also a sense that the restrictions will also lead to a loss of property value. He appreciates the Board's desire to protect the historic properties. He noted that most owners have expressed the love of their properties for the historic character and value that has for them, but to list them as a mandated process does not sit well with many of them, including him and his wife. He urged the Board to take a second look at how to move forward. He felt the people who want their property listed on the inventory should have that ability in this cycle, but the homeowners that do not should have a process for withdrawing from the list to make sure their property is not moved into the inventory. He also hope the Board would do a better job of defining the incentives as well as creating new ones, like the Mills Act. He added that he did not have faith that the Mills Act will pass, so holding it out as a potential incentive would be risky.

Maureen Bard agreed with Mr. Bard and most of the previous speakers. She said no one feels good about being volunteered to be on the list and being forced to be no it. She said she treasures historic homes but does not think it fair for the City to expect a select number of them to bear the financial and regulatory burden of maintaining the city's heritage without their consent. She said the selection process seems to be somewhat inequitable and capricious. Hers will be one of only two houses designated on their block, despite the fact that quite a few are over 100 years old. Also, there are several multi-family dwellings which have fewer restrictions than they do. She said they potentially could be surrounded by modern development, thus de-valuing their particular property. She referred to a "cute Victorian behind CVS" and said they don't want to be that property and they know that no one would want to pay market rates for a cute historic home in a neighborhood surrounded by others that are much larger. She said the state and national listings do not list properties against homeowners' objections. She said she had talked to Ms. French who reminded her that each property is individual and they should talk to her to find out what benefits there are for them. She asked, who knows better than the individual homeowner the challenges there would be to being on the listing? She felt that owners should have a right to have their homes removed if they prefer.

With no other public speakers to be heard, Ms. French indicated that, unless there was a desire for the Board Members to comment, they could begin discussing the first list of properties.

Board Member Willis addressed the speakers and said she knew they all came with somewhat negative feedback. She said the part that sticks with her is how positive it was. She said it is lovely to hear that most indicated how much they enjoy their historic property.

Mayor Lydia Kou asked what the process is going forward.

Ms. French explained that the recommendation was that, on the lists of property groups to be considered, to indicate which ones have submitted a letter of objection. Those would be pulled out of the day's consideration and they would be targeted for a January 25th meeting. By that time they will be able to compile the many comments and reasons, which is rich information to include in their report for the January 25th meeting. Regarding the other properties for which they have not received an objection letter, the Board would be free to consider the recommended category for the inventory and prepare to vote and provide a recommendation to Council. She added that there will still be an opportunity for those property owners to submit an objection letter, all the way up until City Council addresses them, which is the only body that can actually place a property on the inventory. That would be tentatively in the spring of 2024. There will be three more meetings: December 14th, January 11th, January 25th, as well as potentially an evening meeting in February.

Mayor Kou referred to the comment about Mountain View's regulations, and asked if the Board has seen other examples from other cities.

Ms. French responded that the Board as a group has not studied examples of other cities. They know a little bit about Mountain View. They created their register in 2005. They allowed owners to de-list within six months afterwards. It required the owners to speak up, as opposed to inviting anyone who wanted to be the inventory to speak up.

Mayor Kou wondered if it would be worthwhile for the Board to look at ideas about regulations in other cities.

Ms. French agreed it would be a good idea to obtain information on other cities, some of which have been very successful, such as Pasadena and San Diego, and who have many historic resources.

Board Member Willis noted that other Board members have individually looked at other city ordinances.

Chair Eagleston-Cieslewicz added that they do look at processes for the state register in particular.

With no further public comments, Chair Eagleston-Cieslewicz led the Board to begin discussion of the properties.

[Board Member Willis recused herself]

The Board reviewed the property at 731 Emerson. Nomination memos and DPRs were provided in the Board's packet. Ms. French advised any attendee property owners that if they have not seen their forms, she is happy to email them, or the paper packet was available for them to look at. Photos of 731 Emerson were shared.

Chair Eagleston-Cieslewicz noted for reference that for the larger groups they would be speaking to the group collectively. Ms. Reiter provided explanation of the way the nomination forms had been assembled. The first portion is one or two pages created by Page and Turnbull, followed by the original DPR created in 1997-2001, which is the previous documentation for which the property was found eligible for the National Register. The first two pages reference this documentation. In some cases there is a HRE, Historic Resource Evaluation, appended.

Barrett Reiter spoke to the nomination of 731 Emerson and gave a brief explanation of the materials included and presented for each of the nominations. The first section summarized the reasons that the property was found significant. For 731 Emerson, the 2023 reconnaissance survey referenced when the photo was taken and it was determined whether any alterations had been made since 2001. They then made a recommended revision to the significance, whether they found that one of the previously-identified criteria didn't really apply or fit the Palo Alto criteria very well, or if there were any best practice updates. She said one of the things they have seen with many properties is that often the original surveyors – Dames and Moore – would provide a date range for the period of significance. Ms. Reiter said they had moved away from this practice and will often assign a single year, which helps property owners understand what time period their property is significant for, and if there is a question about an original feature or an alternation, it helps hone in on that. The third section is the recommendation for listing in the Palo Alto Historic Inventory, including the criteria that the property is listed under, corresponding to the previous National Register Criteria and including a statement of significance summarizing the significance of the property.

Ms. Reiter noted that 731 Emerson is an early and notable example of the Queen Anne style that was built by an important local builder, H.L. Upham. It was recommended for a Category 2 listing.

Ms. French suggested that for each group of properties to note concurrence with the recommended category as well as the nomination for Council consideration of placement non the inventory.

Motion by Chair Eagleston-Cieslewicz to advance 731 Emerson to consideration by Council under the category recommended. Seconded by Board Member Rohman, the motion passed (5-0-1).

[Board Member Willis rejoined the meeting]

Ms. French provided an overview of the properties grouped by criteria for designation.

Chair Eagleston-Cieslewicz referenced the verbal objections shared earlier in the meeting and asked if it was possible to remove those properties.

Ms. French indicated that properties marked with asterisks on the slides were those for which objection emails or letters had been received. She pointed out that they are looking at the local register nominations, and not to remove eligibility for the National Register, which is different from listing on a register. She reiterated that January 25th would be the target date to discuss all of the properties for which they have received objections.

Ms. French presented 243 Webster. The property was not in the original eligible properties, but was more recently identified as potentially eligible and recently found eligible. The owner had expressed interest in being placed on the inventory, so his property was included for consideration at this meeting. It was recommended as a Category 2. The owner had indicated that the front house on the property is the one that is historic, whereas the "shack in the back" is a planned project for an ADU.

Board Member Willis disclosed that she has looked at this property with the owner.

Motion by Board Member Pease to consider the property at 243 Webster. Seconded by Chair Eagleston-Cieslewicz, the motion passed (6-0) by roll call vote.

Ms. French noted that the next stage for this particular property, because of the owner's high interest, can be moved forward to the Council on its own path as opposed to waiting until spring of next year.

Chair Eagleston-Cieslewicz thought this was a good idea. There were no objections.

Ms. French presented two city-owned properties – 201 Alma Street and the Cistern and Pump House – located near Hale Street along Palo Alto Avenue. Conversations with City staff regarding these two properties indicated no objection to placing them on the inventory.

Board Member Willis remarked that, long overdue, she was very happy to see this happening.

Motion by Chair Eagleston-Cieslewicz to move the two properties to City Council consideration under the categories recommended. Seconded by Board Member Pease, the motion passed (6-0) by roll call vote.

Ms. French presented 10 private properties eligible under Criterion 2 and 5. Two properties had asterisks. She explained that each time an objection was received she has looked up the zoning of the property, and this is indicated next to the address in the table in each case. The remaining properties were all under Category 2.

Motion by Board Member Rohman to advance the 10 properties to City Council for consideration, with the exception of 1056 University Avenue, 385 Waverly Street and 731 Emerson. Seconded by Board Member Pease, the motion passed (6-0) by roll call vote.

Ms. French reiterated that the properties on the screen have been nominated to the City's register. Action would not take place until Council reviews them, and letters and conversations are welcomed up until that time.

Ms. French presented the list of private properties proposed for designation under Palo Alto Criterion 2. There were formerly 25 properties in this group, of number of which now have asterisks. Criteria 2, she explained, denotes properties particularly representative of an architectural style or way of life important to the city, state or nation. The zones were noted for each of the asterisked properties.

Ms. Reiter pointed out that all of the properties in this list, with the exception of one, were Category 2; 669 Channing is a Category 3 recommendation.

Motion by Chair Eagleston-Cieslewicz to advance the properties without homeowner objection to Council consideration under the categories listed. Seconded by Board Member Wimmer, the motion passed (6-0) by roll call vote.

Ms. French presented the next list consisting of five properties proposed for designation under Palo Alto Criteria 2 and 6, two of which were asterisked to indicate objections. She reminded the attendees that if anyone in each of the groups had a property on the list and would like to come to and speak to this particular group they were welcome to do so.

Ms. Reiter added that all in this group are recommended under Category 2.

Motion by Board Member Rohman to advance the properties with the exception of 162 Bryant and 1590 California Avenue to City Council. Seconded by Chair Eagleston-Cieslewicz, the motion passed (6-0) by roll call vote.

Ms. French presented the next group of five properties, excluding three with objections, under Criteria 2, 5 and 6.

Ms. Reiter added that all were recommended under Category 2.

Motion by Board Member Pease to advance 541 Bryant and 680 Homer Avenue to Council.

Chair Eagleston-Cieslewicz asked for clarification whether there was a registered objection on 541 Bryant. Board Member Willis thought this was the one referenced by one of the public commenters.

Ms. French noted that this was 635 Bryant.

The motion was seconded by Board Member Rohman. The motion passed (6-0) by roll call vote.

Ms. French presented the next group, five properties, excluding one objection, recommended under Criterion 2 and 3.

Ms. Reiter noted that 904 Bryant is recommended as a Category 2 and the remaining three on Cornell and Webster Streets are Category 3.

Motion by Chair Eagleston-Cieslewicz to advance all of the properties with the exception of 630 Lincoln Avenue to consideration by Council under the recommended categories. Seconded by Board Member Rohman, the motion passed (6-0) by roll call vote.

Ms. French presented the next group, four properties, excluding three objections for designation under Palo Alto Criterion 3, Category 3, for the local inventory.

Motion by Board Member Pease to advance 815 Kipling Street to the Council. Seconded by Board Member Rohman, the motion passed (6-0) by roll call vote.

Ms. French noted that in the next group there were two properties, with objections to both, and she would be adding the asterisk to 538 Churchill. The next group consisted of two private properties presented under Criteria 1, 2 and 5, both recommended as Category 1.

Board Member Willis commented that she was happy to see the Stanford Hospital building on the list, since it is a landmark in town and they did a very nice job renovating and preserving it.

Motion by Chair Eagleston-Cieslewicz to advance the two properties be advanced to consideration by Council under the recommended categories. Seconded by Board Member Pease, the motion passed (6-0) by roll call vote.

Ms. French presented the next group, two properties under Criteria 1 and 6. She said they had spoken with a representative of the owner of the Alta Vista Cemetery, who was in attendance. Category 2 was recommended for this property.

Marilyn Talbot, General Manager and Corporate Officer for the property, spoke and noted that the property name is Alta Mesa Cemetery, not Alta Vista. She said there are some statements in the documents are inaccurate and need to be corrected. She said she has been there for 43 years and knows much of the history of the cemetery. She said she did not understand the limitations that the process would put on the property and was not sure of the reason for it. She said she would communicate with Ms. French to learn more.

Board Member Rohman asked if she wished to object to advancing the property.

Ms. Talbot chose to object until such time as she could learn more.

Ms. Reiter added that if there are inaccuracies they would like to fix them before moving forward.

Motion by Chair Eagleston-Cieslewicz to advance 720 Waverly Street to Council consideration under the Category 2 recommendation. Seconded by Board Member Pease, the motion passed (6-0) by roll call vote.

Ms. French presented the next group, two properties recommended under Criteria 4 and 6, for Category 2.

Motion by Board Member Pease to advance the two properties to Council for consideration. Seconded by Board Member Willis, the motion passed (6-0) by roll call vote.

Ms. French presented the property at 212 Emerson proposed for designation under Criteria 2 and 4, recommended for Category 2.

Motion by Chair Eagleston-Cieslewicz to advance 212 Emerson Street to Council consideration under Category 2. Seconded by Board Member Wimmer, the motion passed (6-0) by roll call vote.

Ms. French presented the property at 555 Forest proposed for designation under Criteria 1, 5 and 6, nominated for Category 2.

Motion by Chair Eagleston-Cieslewicz to 555 Forest Avenue to consideration by Council under Category 2 recommendation. Seconded by Board Member Rohman, the motion passed (6-0) by roll call vote.

Ms. French noted that an objection letter had been received for the property at 334 High, so it would not be considered at that meeting. She presented the property at 437 Kipling, proposed for designation under Criteria 1, 2 and 4, recommended for Category 2.

Motion by Chair Eagleston-Cieslewicz to advance 437 Kipling to consideration by Council under Category 2. Seconded by Board Member Rohman, the motion passed (6-0) by roll call vote.

Ms. French announced that this was end of the groups to be considered at the meeting. The properties for which objection letters had been received would be recognized as such and will be discussed on January 25th unless a different alternative is proposed.

Approval of Minutes

3. Approval of Historic Resources Board Draft Minutes of August 24, 2023

Motion by Board Member Wimmer to approve the minutes of the August 24th meeting as corrected. Seconded by Chair Eagleston-Cieslewicz, the motion passed unanimously by voice vote.

4. Approval of Historic Resources Board Draft Minutes of September 14, 2023

Motion by Chair Eagleston-Cieslewicz to approve the minutes of the September 14, 2023, meeting. Seconded by Board Member Pease, the motion passed unanimously by voice vote.

5. Approval of Historic Resources Board Draft Minutes of October 12, 2023

Motion by Chair Eagleston-Cieslewicz to approved the minutes of the October 12, 2023, as corrected. Seconded by Board Member Wimmer, the motion passed unanimously by voice vote.

Board Member Questions, Comments , Announcements or Future Meetings and Agendas

Board Member Wimmer questioned in regard to homeowners that have expressed an interest in not having their property on the list, whether a new category could be created for those properties, so that in the event that one of them changed hands or was sold to a new homeowner who would then like to list the property on the historic register, that the opportunity would not be missed. She wondered if those properties might remain on the deemed potentially eligible list, or whether, once an owner stated they were not interested, they would no longer be considered in the future.

Ms. French responded that the only categories available on the inventory are Categories 1, 2, 3 and 4 per the Ordinance. She advised them to stop using the phrase "potentially eligible," because these are basically unevaluated properties. The eligible properties deemed eligible for National Register in the year 2000 and sent to the State for their database are eligible forever for National Register unless they are torn down or compromised and called to their attention. The other list that is not changing is potentially eligible for the California Register, and they have also identified properties that are eligible for the local register through the current process, not on a register, but simply eligible. There is nothing in the Ordinance describing "deemed eligible" properties. However, the record is there for people to find.

Board Member Wimmer asked, as an example, if after this process someone would look up the parcel report of their property, where it says, "Historic Category listing," whether there would some sort of note attached.

Ms. French said it would not change from what is shown currently. If it is still eligible for the National Register, it will still be noted, because that hasn't changed, even if Council does not place them on the local inventory. It will still be eligible for the National Register unless something changes on the property that renders it no longer eligible.

Board Member Wimmer asked for clarification that if the homeowner declines to move their property forward, it does not change that fact about the property.

Ms. French said this was correct.

Chair Eagleston-Cieslewicz invited any other questions or comments.

Board Member Pease asked if it would be possible to agendaize for the December 14th meeting consideration of making a recommendation to the Council that the local Ordinance be amended to conform with that of the National and California laws that a property cannot be added to an inventory over the objections of an owner.

Ms. French said her advice, if they were to bring this onto the already busy agenda for December 14th, was to prepare some sort of memo recommending a protocol that the Council follow and that the HRB would like to follow. She did not believe they could turn around an ordinance change with all of the vetting and outreach that has to happen for that.

Board Member Pease clarified that he would like to consider making a recommendation to Council at that meeting. Whatever is required to amend the current ordinance, not initiate a new ordinance, on that question. He wished to discuss this and vote on whether they are going to recommend this to the Council.

Chair Eagleston-Cieslewicz thought it would still require the EIR process, a formal amendment, but they could make a recommendation to Council in terms of how they handle it without a formal amendment.

Board Member Pease said he was just asking for an upfront decision that the Board is going to recommend that.

Ms. French said the Board could certainly provide a recommendation to Council in any way. When it involved an actual ordinance change, however, it is a legislative change and subject to the California Environmental Quality Act, so it takes work on the back end before bringing it forward to the group.

Board Member Rohman suggested perhaps at the January 25th meeting, while hearing the objections, they could formally vote to recommend that Council not designate any properties to the inventory that have an owner objection.

Chair Eagleston-Cieslewicz asked if would be possible to have a memo drafted to that effect that could be relayed to the Council.

Ms. French felt it was important to document what they have heard through verbal statements in the community meetings and hearings. Staff has been on record as having stated that this is the protocol of the State. She thought it would be correct to develop a protocol that the HRB could form moving forward on the nominations, since the Ordinance is silent on this issue. They could also prepare a recommendation that Council direct staff to prepare a change to the Ordinance itself that clearly states this formally and legally.

[An unidentified attendee commented inaudibly. Ms. French advised the conversation on the topic would end because it is not agendaized.]

Adjournment

Motion by Chair Eagleston-Cieslewicz to adjourn. Seconded by Board Member Rohman, the motion carried unanimously by voice vote.