

2600 Fresno Street, Third Floor

Historic Preservation Commission Executive Minutes

July 25, 2016

MONDAY

6:00 p.m.

CONFERENCE ROOM A
2nd Floor, City Hall

2600 FRESNO STREET

I. CALL TO ORDER AND ROLL CALL- 6:00 p.m.

The meeting was called to order by Chair Patrick Boyd at 6:00 PM.

Commissioners Present: Robin Goldbeck, Jason Hatwig, Patrick Boyd, Kristina Roper, Don Simmons, Paul Halajian.

Staff Present: Karana Hattersley-Drayton, Casey Lauderdale, Seth Mehrten (CAO), Drew Wilson and Dan Zack.

Karana welcomed Drew Wilson, Planner I who will be taking over as Recording Secretary for Casey Lauderdale. [A farewell cake party preceded the start of the meeting]. Drew talked about his interests and background.

II. APPROVE MEETING MINUTES

A. Approve Minutes for June 27th, 2016.

The minutes of June 27th were approved 6-0 with a motion by Kristina Roper and a second by Robin Goldbeck.

III. APPROVE AGENDA

Don Simmons asked why the final approval of the Armenian Town District is not on the agenda. A public notice was run in the Bee. Can we add it back tonight?

Dan Zack: The City Manager's Office asked that we hold off and bring the agenda item back at a later meeting.

Don Simmons: Asks if it is standard procedure to have the City Manager make such requests?

Dan Zack: Not typically but it can happen sometimes.

Simmons: His experience with delays caused by requests from City Hall is not positive.

Zack: *The City Manager's office is not opposed, but there are issues that first need to be resolved in that area.*

Mehrten: *Cautions HPC and staff about having a hearing on this issue tonight.*

Hattersley-Drayton: *Explains that as required by the Ordinance a public notice was run in the Fresno Bee for the historic district hearing [as well as for the Terrace Avenue home]. However, the posted agenda did not include this item as the request to delay came after the Bee notice ran. The property owners were all notified that the item was not going to be heard tonight, thus it would not be appropriate for several reasons to add this agenda item.*

Simmons: *This action seems like a bad precedence. Was it previously on the agenda and then removed?*

Hattersley-Drayton: *The item was on the draft agenda which was discussed at the agenda conference but the request to not hear this item came before the public agenda was posted.*

Simmons: *States that the decision making should go the other way, from the Commission to the City Manager.*

Boyd: *Wonders if we can ask for a better explanation.*

Halajian: *He states his concern because the HPC cannot answer this question if queried by a member of the public.*

Boyd: *Asks about the appropriate place on the agenda for this discussion. [There is some confusion about whether this would be a continuing discussion tonight about this issue, or a discussion at the next HPC.]*

There is a question as to whether the Commission can hold a meeting tonight without approving the agenda.

Hattersley-Drayton: *No, there cannot be a meeting without an approved agenda. She also notes that due to comments by one property owner at the last meeting, she has revised the proposed boundaries of the District, and the Commission will not have seen either this map or the final District application.*

Hatwig: *Suggests that we could put something in the unscheduled items on tonight's agenda to recommend action at the next meeting.*

Hattersley-Drayton: *Yes, it is her understanding that the Commission could legitimately bring up a discussion of the item on tonight's agenda at that location, just not take action on the actual final Armenian Town District nomination.*

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Hatwig: States that he would like to discuss this further under Continued Matters, to make a request to the City for more information [this would by necessity be on a future agenda.] This could include asking for a response within a specified timeframe.

Simmons: States again that the final discussion of an Armenian Town Historic District should have been on tonight's agenda and to pull it without explanation is not appropriate. He will not vote to approve the agenda.

Boyd: Appreciates the fact that Dr. Simmons has brought up this issue.

Simmons: References the fact that at the last hearing, a member of the Armenian Community commented that they did not expect that this would pass. To have this agenda item pulled questions the authority of this Commission to make decisions.

Halajian: So this came from the City Manager's office?

Dan Zack: Reiterates how he was asked to remove the item from the agenda. He will request a better explanation and report back to the Commission.

Boyd: For the future, any requests to remove a proposed agenda item will bring up a red flag.

[Discussion about whether to include an item on tonight's agenda under Continued items and/or a formal agenda item for next meeting.]

Paul Halajian: Moves to approve the agenda with the following amendment: that a general discussion about Armenian Town will occur tonight under **Unscheduled Items**; and with the understanding that we will receive an explanation from the City Manager's Office regarding the issue; and that actions such as this by the CMO will not become a precedent for future agendas.

Roper: Seconded the motion.

The agenda was adopted on a vote of 5-1 (Simmons in opposition).

IV. CONSENT CALENDAR

V. CONTINUED MATTERS None

VI. COMMISSION ITEMS

- A. Consideration of Approval of Request by the Property Owner to Recommend to the City Council the Designation of the A.C. Wilke Home Located at 532 E. Terrace Avenue to the Local Register of Historic Resources and Adoption of Findings Necessary to Support Recommendation Pursuant to FMC 12-1609 **(ACTION ITEM).**

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Staff Recommendation: Approve and forward to the City Council.

Karana Hattersley-Drayton gave a PowerPoint presentation on the history of the property and its architectural features. The home is located within the proposed Terrace Gardens Historic District. It is a Prairie style. She reviews the Historic Preservation Ordinance and the benefits of being a designated resource.

Roper: Notes that this section of Terrace Avenue is a beautiful street.

[General comments from Commissioners and staff about the area and the Terrace Avenue Block Sale each year!]

Agenda item is opened for the public. No public comments.

The nomination of the Wilke Home is approved, 6-0 on a motion by Roper and second by Simmons.

- B. Review Condition of the Fresno Trolley Cars (Diner) (HP#099) Located at 1731 S. Cherry Avenue (c1912 and c1925) and Request that Staff Meet with Property Owner Pursuant to the Minimum Maintenance Standards, FMC 12-1626 (c).
(ACTION ITEM).

Staff Recommendation: Approve.

Karana Hattersley-Drayton gave a PowerPoint which reviewed the history of the trolleys and their current condition. Incidentally the streetcars are one block from what was the end of the Fulton Street line. Drayton reviews the Minimum Maintenance standards. The current property owners are in Texas and code staff has tried to contact them. There is a local buyer who wants to use the trolleys as a diner with outdoor seating. Local historic property owners have some great ideas for the neighborhood so Preservation and Planning staff is in support. Under the Minimum Maintenance protocols HPC can ask staff to meet with (or in this case write a letter) to the property owner, which without a response bumps actions up to the next level.

(She also mentions as an aside, that the Emory Wishon Home is slated for the City Council for this Thursday. We have recently discovered that Emory Wishon developed the Tower Theater!)

Goldbeck: Asks if the owner isn't responding to the potential buyers, how can we help this along?

Hattersley-Drayton: Admits that a letter may not be effective, but it is the tool we have at hand.

Roper: What else can Code staff do if there are already fines?

Hatwig: Will the fines become liens?

Drayton: There are already liens against the property.

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Halajian: *Asks about the potential buyer and if they will keep the trolleys in Fresno?*

Hattersley-Drayton: *Yes, he would keep them on site for a potential restaurant; he is also working with another historic property owner in the area.*

Hatwig: *Will the liens be forgiven for the next owner?*

Zack: *There are some cases where liens can be forgiven but he is uncertain of the conditions that are required for this. The lot is very small so the fines are likely more than the worth of the land.*

Boyd: *Asks about the potential for eminent domain.*

Hattersley-Drayton: *The City has tried with a few properties but without a lot of success. There is a receivership program.*

Boyd: *Remarks that this is not the first time that we have seen a historic property owned by an out-of-town unresponsive property owner. It's all at a loss to us....*

Roper: *If the current owner got the property at a tax sale, wouldn't it end up going to a tax sale?*

Hattersley-Drayton: *Commends Code staff for the work they are doing protecting Fresno's Historic resources.*

Halajian: *Can the letter go beyond expressing frustration, but also recommend action items?*

Hattersley-Drayton: *Yes, there are a couple of steps in the protocol. She also notes that we need to revisit the Historic Preservation-Code Enforcement Ordinance that was drafted and reviewed by the HPC several years back.*

Halajian: *Is the best course of action for the property owner to sell it?*

Hattersley-Drayton: *She thinks so, yes.*

Halajian: *Could the letter go so far to say as much?*

Hatwig: *Suggests it would be useful to remind them what they owe already?*

Hattersley-Drayton: *She will meet with code staff and the attorney's office to work on the language.*

Goldbeck: *And to remind them that the maintenance must be upheld.*

Halajian: *It might be worth mentioning that the trolleys are worthless if they don't maintain them.*

Chair Boyd opens the item up to the public for questions.

Brad _____ (298 W. Fallbrook Avenue). He mentions that he attended an investment meeting here at the City which introduced a lien waiver program. This was presented as a way to purchase properties for which the City would alleviate the fines. The owner would still be responsible for hard costs. It was his impression that this program was ready to be launched but he has not heard anything since this meeting.

Halajian: Asks if he wants to buy a couple of trolley cars?

Brad: It would be great, especially with everything else that is happening in this neighborhood.

Hattersley-Drayton: The City cannot forgive property tax liens.

Brad: There were examples of properties that had 40-50,000 in fees ... Asks if staff knows what the asking price is for the trolleys.

Zack: The property is not on the market but people are trying to approach the owner.

Hattersley-Drayton: I believe the property has been recently listed, but I don't know the asking price [definitely listed, "as is."]

George Hostetter (730 West San Ramon); There are \$6,000 in abatement charges but nothing said about actual fines. He asks if the Vacant Building Ordinance applies to commercial properties as well? He notes that there has been talk of doubling the fines. And the City can take the property owner to court. Has this been pursued? Fines get into the high five figures quickly. Why has this not been applied to this property?

Hattersley-Drayton: It is simply the workload.

Halajian: Asks if the building code applies to the trolleys? Is it a structure? How is it different from a truck?

Roper: They [former owners] converted the trolleys to a structure [building?].

Hattersley-Drayton: [to Commissioner Halajian] What is the nature of your question?

Halajian: He is referring to code enforcement; and wonders if this is a "building"?

Hattersley-Drayton: The Minimum Maintenance Standards of the Historic Preservation Ordinance cover buildings, structures, objects and sites.

Roper: Asks if Halajian's question is how you fine the property owner?

Hattersley-Drayton: You can fine people for having cars in their yards, or high weeds, and these are not buildings. But your point is well taken: the language in the Ordinance does say "resources" and not just "buildings" fall under these protocols.

Simmons: Asks if historic properties get priority with code enforcement?

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Hattersley-Drayton: *She is not sure if there is an official policy that gives them priority but code staff is very supportive. However health and safety issues, say with the multi-family units, will come first.*

Simmons: *States his feeling that things are out of balance, and we may lose a historic property faster than a 1950s house.*

Hattersley-Drayton: *Notes that he makes a valid point.*

The staff recommendation, to contact the property owner regarding maintenance issues at the Fresno Trolley Cars is supported on a vote of 6-0 with a motion by Roper and a second by Hatwig,

C. Workshop Presentation: "Lessons from the Field: Detroit" (Daniel Zack).

Dan Zack gives a PowerPoint presentation on observations made during his visit in June to Detroit for the Congress of New Urbanism Conference.

Halajian: *Asks if the City of Detroit made investments in this revitalization?*

Zack: *The City of Detroit made investments in the infrastructure which was on top of \$2 billion of private investment.*

Boyd: *Notes that Detroit is rivaling Silicon Valley and that there is a lot of small-scale manufacturing.*

Halajian: *Asks if the old industrial plants are being adaptively reused.*

Zack: *He has heard of people doing this in smaller spaces, but there just aren't enough people for the larger buildings. Detroit went from nearly 2 million in population to under 700,000.*

Halajian and Zack continue to discuss the prices of buildings and the investment potential for Detroit.

VII. CHAIRPERSON'S REPORT

A. Discuss FY2016 Commission Report.

Patrick Boyd notes that he is working on the report. He will contact Karana about getting some photos.

VIII. UNSCHEDULED ITEMS

A. Members of the Commission

Armenian Town Discussion:

Seth Mehrten: Wants to clarify that it is not appropriate to engage in a discussion and take action on an item that isn't agendaized. Given that this is not on the posted agenda he asks that questions be limited to clarification so that staff best understands what concerns should be brought forward. He reads from the Bylaws that if 2/3 of the Commissioners deem it necessary, the issue can be discussed tonight, but he strongly cautions against a formal discussion of the District; he needs to review case law.

Simmons: Asks staff to request clarification from the City Manager's Office. He believes the decision appears to have been made without communication with the Commission and it sets a bad precedent for the community members who are stakeholders in this issue. It could be viewed as an insult and damage the community engagement process. This is clearly out of the norm. He asks that we receive some communication prior to the next meeting, but at the very least, it needs to be on the next agenda.

Hattersley-Drayton: The Commission could write a letter on its own. This has occurred a few times in the past.

Simmons: He defers to the Chair.

Boyd: Agrees with Dr. Simmons that it is not a bad thing to ask for an explanation.

Roper: And to demonstrate displeasure.

Simmons: Believes that at best the action to amend the agenda is discourteous, but at worst it makes one wonder what is going on that is interfering with this project [District nomination].

Hatwig: Notes that it is important to be able to state reasons if asked by the public.

Halajian: States this is a matter of protocol. It seems inappropriate that the Commission should need to educate the City Manager on the property protocol.

Goldbeck: Asks the Commission if they have a preference: ask staff to request the information or write a letter ourselves?

Simmons: Both.

Goldbeck: The letter would support staff that had to make this decision.

Simmons: He requests that staff communicate with the CMO and that the Commission also write a letter.

Roper: Asks what are the mechanics for preparing a letter?

Hatwig: Chair Boyd can draft a letter and we can sign it.

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Hattersley-Drayton: *Opines that it is not a violation of the Brown Act because the Commission is not voting on anything.*

Simmons: *Asks if staff can give the Commission a response from discussion with the City Manager's Office? He also asks what the timing on this would be.*

Zack: *He notes that he will contact the CMO tomorrow. Once we have a response we will communicate through Karana via an appropriate communication channel. Could be within the week if he hears back soon.*

Mehrten: *Asks that staff give him 24 hours to review this issue. He will e-mail the entire Commission.*

Boyd: *Asks if the District would be ready for the next meeting?*

Hattersley-Drayton: *Yes, the District application is ready to go.*

B. Staff

Karana Hattersley-Drayton *notes that the developers of the Hotel Fresno are working hard to get the funding together.*

Halajian: *Asks if the Hotel will be housing?*

Hattersley-Drayton: *Yes, part affordable and market rate with some retail on the first floor.*

Zack: *Announces that on Wednesday July 27th the Downtown Plans, Downtown Development Code and EIR will be available to the public.*

Hattersley-Drayton: *She notes that these documents will be on the next HPC agenda.*

Zack: *These various plans were initiated in 2010 but were "paused" to allow the General Plan and other projects to move forward. The City is aiming for an October adoption.*

Hattersley-Drayton: *Asks if all four documents have the same review time?*

Zack: *Yes, only the EIR is obligated to have the 45-day review but all documents will be open until the close on September 12th.*

Halajian: *Asks what happens with projects that are close to approval?*

Zack: *Nothing. Once the project is deemed complete, whatever rules are in place are the rules that you need to conform to.*

C. General Public

There was no additional Public comment.

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IX. NEXT MEETING: August 22nd, 2016, 6 PM Conference Room A, City Hall.

X. ADJOURNMENT

Chair Boyd adjourned the meeting at 7:42 PM.

Respectfully submitted:

Karana Hattersley-Drayton, Secretary

Casey Lauderdale, Recording Secretary