

UNOFFICIAL MINUTES
POMONA HISTORIC PRESERVATION COMMISSION
FEBRUARY 1, 2017

CALL TO ORDER: The Historic Preservation Commission meeting was called to order at 6:30 p.m. by Development Services Manager Johnson.

FLAG SALUTE: Commissioner Gallivan led the Commission in the flag salute.

ROLL CALL: Roll was taken by Development Services Manager Johnson

COMMISSIONERS PRESENT: Commissioners Garcia, Gallivan, Gomez, Kercheval, Martin, and Tomkins

COMMISSIONERS ABSENT: Commissioner Tessier (excused)

STAFF PRESENT: Development Services Director Lazzaretto, Development Services Manager Johnson, Associate Planner Bechet, and Associate Planner Lee

Development Services Manager Johnson stated due to new appointments to the Commission staff suggest moving the new business item to the top of the agenda.

ITEM D:
CITIZEN PARTICIPATION:

Mickey Gallivan provided an invitation to the Historical Society of Pomona Valley's annual meeting being held on Saturday February 11, 2017 at 6pm.

ITEM E:
CONSENT CALENDAR

1. APPROVAL OF MINUTES:
-November 2, 2016

Motion by Commissioner Gomez, seconded by Commissioner Martin, carried by a majority vote of the members present (5-0-1-1), Commissioner Garcia abstained and Commissioner Tessier excused, adopting the Historic Preservation Commission meeting minutes of August 3, 2016.

PUBLIC HEARINGS:

ITEM F-1 PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MCOA 14-020) TO ALLOW THE DEMOLITION OF ONE PRE-1945 RESIDENCE ON A PROPERTY LOCATED AT 1635 S. RESERVOIR STREET.

Associate Planner Lee presented a staff report regarding a request to demolish a single-family residence. Chair Gallivan opened the public hearing. Mr. John Clifford reminded the Commission of two conditions which should be included; one to allow the historic community to walk through the property to obtain historical items before the building is demolished and the second to require documentation, including photographs, of the building to be placed with the Historical Society before the building is demolished. Development Services Manager Johnson stated Mr. Clifford was correct and stated stronger language could be included to the two conditions set in the resolution. Commissioner Tomkins raised an issue with the resolution regarding property owners being notified 30 days prior to the item being considered by the Historic Commission. She stated the report read the property owners were notified on January 3, 2017 which would be less than 30 days. She inquired whether this was adequate notice and whether property owners could have further notice in the future. Development Services Manager Johnson stated staff typically sent notices a couple of days before keeping in mind the US Postal schedule, but due to the holidays and the closure of City Hall the notice for this request was mailed on the 30th day. Staff along with the City Attorney felt this met the City Code and staff did not believe there would be any legal challenges as the City has not received any comments regarding the request for demolition. Commissioner Kercheval inquired whether there had been complaints regarding the maintenance of the home and whether Code Compliance visited this property in the past. Associate Planner Lee stated this was not a case brought to staff by Code Compliance, but rather by the applicant and staff was not aware of any Code Compliance calls to the site. Commissioner Garcia stated a concern with the site being in extremely bad condition and inquired what would be examples of documenting the site. Development Services Manager Johnson stated there was criteria set, referred to as HAPS, on how to document the site and staff could add this requirement to the resolution. Dr. Ruiz, representing the applicant, stated this had been a long process with the City, he agrees with the staff report, and asked the Commission to approve. Commissioner Martin stated she agrees that historical groups should have the opportunity to walk through the site to salvage historical items as she believes the doors could be reused by others with historic homes. In addition, she inquired if this home was included in the historical survey which took place in 1988. Development Services Manager Johnson stated the home was included and was listed in good condition. Chair Gallivan closed the public hearing. Commissioner Martin requested the historical survey information be filed with the library which would save the applicant funds on the HAPS process.

The Commission discussed and agreed to add stronger language to the existing conditions in the resolution, to add a condition to save the doors and other original historical salvageable items on the home, and to add a condition for the use of the 1988 historical survey information to keep on file to replace the HAPS process.

Motion by Commissioner Martin, seconded by Commissioner Gomez, carried by a unanimous vote of the members present (6-0-0-1), Commissioner Tessier excused, approving Resolution No. 17-001, Major Certificate of Appropriateness (MCOA 14-020).

ITEM F-2

PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5720-2016) TO ALLOW THE INSTALLATION OF LANDSCAPED STREET CROSSING BULB-OUTS, MEDIANS, ADA ACCESSIBLE RAMPS, AND NEW CROSSWALKS AT

THE SUBJECT LOCATIONS TO IMPROVE ADA ACCESSIBILITY TO THE PARK; INSTALLATION OF A NEW DECOMPOSED GRANITE PATH AROUND THE PERIMETER OF LINCOLN PARK; AND REPLACEMENT OF AN EXISTING CONCRETE PICNIC AREA WITH DECOMPOSED GRANITE.

Due to the location of the item, Commissioner Tomkins recused herself.

Associate Planner Bechet and City Civil Engineer Matt Pilarz presented a staff report regarding a request to allow the installation of landscaped street crossing bulb-outs, medians, ADA accessible ramps, and new crosswalks at subject locations. Chair Gallivan opened the public hearing. Mr. Jorge Grajeda, Pomona Resident and operator of a nonprofit baseball organization at the park, stated he is in support of the project, but he is disappointed regarding the lack of park improvements being made for the kids. He suggested continuing the item to allow staff to work with the Parks and Recreation Department. Ms. Mickey Gallivan, spoke in support of making the park ADA compliant, but stated concerns regarding staff providing an additional \$500,000 to the contractor when the city did not have the funds, the community meeting not being noticed properly as she and her neighbor received their notice after the meeting was over, and using Federal funds on items that are not historically correct for the park. She stated the community would like the ADA improvements made, but the remainder of the improvements not made and they would take legal action if the remainder of the improvements are attempted to be implemented. Mr. Colin Beck stated he is a home owner directly affected by the plans and he supports the ADA improvements, but he does not feel the process was collaborative as he had not received notices for any meetings except for the meeting taking place tonight and he lives across from the park and in an area where bulb-outs are being proposed. He stated he did not think most of the improvements are necessary. Ms. Rebecca Ryan, lives four houses away from the park and stated she did not receive any notices for the community meetings, she supports the ADA improvements, but does not support the entire plan as she did not know of anyone having difficulties crossing the street. Mr. Ed Tessier stated his support for the improvements and his feeling these improvements would improve the area. He stated he has waited a long time for these ADA improvements to be made and he asked the Commission to approve. Mr. Dan McIntire requested the litigation that initiated the project be discussed. He stated the park was special to the historic community and he would like minimal improvements made such as the ADA improvements as they were needed. He stated he does not think there are any safety issues at the park and calming improvements were not necessary. He does not think items should be replaced at this historic park and additional research is required. He asked the Commission to continue the item for further review. Ms. Deborah Clifford stated the plan was lovely as it made the park very modern, but the park was historic and so the improvements did not fit. She stated she was against the bulb-outs, she did not think the calming items were needed, she thinks too much money is being spent for items that are unnecessary, she stated a concern regarding the Oak tree and asked that the Oak tree be protected if the plan is implemented. Mr. John Clifford stated the Historic Commission as a group should consider the historic nature of a request not to consider major improvements within the park and street improvements outside the park which should be issues of other bodies. He asked the Commission to consider if the proposals were appropriate for a historic district. He stated a concern with the lack of a material board being presented and the amount of funds being spent. He stated he felt the ADA improvements were required but the remainder of the items needed to be discussed. Ms. Ann Tomkins stated she had been advised she could speak on the item as a member of the public as she lived on the north side

of Lincoln Park. She felt there was a traffic issue due to the growth of Western University. She stated it was difficult to walk across the street to get to the park and she felt it was dangerous. She stated she would like the new lights which were installed to be like the historic lights currently in the park. Mr. Joshua Heredia Parks and Recreation Commissioner stated this fell on his lap about three days ago. He inquired why this did not go before the Parks and Recreation Commission. He stated much money was being spent, but he did not hear about restroom improvements which were probably needed especially for the ADA improvements. He stated support for the ADA improvements, but not for the remainder of the improvements. Ms. Laurette Lavin, lives three doors down from the park, stated issues with the traffic and stated the need for crosswalks and ramps. She stated a concern with the current plan resulting in accidents, the bulb-outs being costly and looking too busy. She stated support for the ADA improvements, but not the remainder of the changes as she felt they were not historic. City Civil Engineer Matt Pilarz thanked all for their comments. He stated the City is trying to make a cooperative effort with the community by holding more than one meeting regarding the item; community meeting held on 7/12/16, HPC meeting held on 11/2/17, Community meeting held on 12/10/16 and tonight's meeting. He stated the improvements being proposed were historically compliant, were made to work with the area, included community comments, and were cost effective for city near term and long term. The city had approved this project within the city's capital improvement projects. The project does have appropriate funding from several different sources which would all be classified as local funding rather than Federal funding. Wide streets allow for higher speeds and ADA improvements are being made not only to the park, but the streets as well. The litigation attempting to be resolved is not only for the park as it specifically names the surrounding intersections. To safely cross the streets and intersections staff is recommending the bulb-outs, traffic calming, and street narrowing being proposed. The park is not being increased with this project and trees are not being removed. We are trying to preserve the large oak tree. The City paid for the traffic study. The item is before the Commission due to the historic nature of the project. Ms. Paula Lantz stated confusion regarding the requirement for bulb-outs and the right of access as all property belonged to the city. Chair Gallivan inquired whether the homeowners would be responsible for funding the irrigation needed. City Civil Engineer Matt Pilarz stated where there are parkway improvements those improvements are to be maintained and irrigated by the adjacent property owner. For this reason the city proposed the cobblestone and boulders because irrigation is not needed and the maintenance would be minimal, but we have gone beyond that proposal to address requests for other landscaping treatments. Mr. Colin Beck stated for the record, the first contact he had from the city was on December 13, 2016, in which the city requested right of access to his irrigation line. He responded on December 15, 2016, with specific questions, provided his contact information, and his availability to meet at any time. He did not receive a response until January 15, 2017, after he reached out to the City for a second time and contacted his Councilmember to request assistance. After he informed his Councilmember the City meet with him so he could express his views. City Civil Engineer Matt Pilarz stated the City was closed the last two weeks of December and the city also has a limited number of resources. Considering that staff did respond at a reasonable time. Chair Gallivan closed the public hearing. The Commission stated several concerns regarding the need for the bulb-outs with the ADA improvements required. Deputy City Attorney Chris Cardinale stated he wanted to address the timing as it was brought up by the public and the Commission. He stated he could not discuss the negotiations between the parties or legal strategies, but he could discuss the allegations in the complaint and the orders issued by the court. The complaint lists specific defects with not only the streets and the intersections, but with various improvements within the park. A large part of staff's recommendations were defined by the scope of the allegations in the lawsuit. The court had already allowed nine months to give the city the opportunity to address the

complaints. He stated he would be surprised if the court were to issue another extension when the city goes before them in two weeks. With regards to ADA compliance and a historical landmark, most of the cases were in regards to an actual structure, disability access to a single structure. In this case it was difficult because the case discusses an area surrounding the park and the park. Legal standards state the ADA compliance be ready achievable without destroying the historic significance under that standard courts have required recognized historic buildings to remove barriers to install ramps and make physical changes for ready achievable access points. Lead City Attorney Roger Colvin stated the litigation was filed in October 2014. The attorney's office and staff had been working hand and hand on the case for two years. The case was in Federal Court and the judge had been patient. The city had explained to the judge the planning process of the project would take time. The judge put the case on hold so legal fees would not accumulate. The case had been put on hold for 9 months and the city now has to go back before the Federal Judge on February 17, 2017. He stated he had to explain to the court how the city was progressing on the project. He had been providing status throughout the project and the judge had been impressed with the city's progress. Federal judges have the power to bring the case to trial if they feel the project was continuing to be delayed which can be extremely costly. He stated the city was trying to resolve the matter to avoid further litigation and fees. Commissioner Kercheval inquired whether the litigation had any stipulation on the design and whether it could be explained to the judge this was an election year and there were four new commissioners on the commission which would need additional time to weigh in on the project. Attorney Roger Colvin stated the litigation did not determine the design and felt the judge would like the city to resolve the issue because the area needed to be ADA complaint. He stated last time he presented to the judge with the opposing attorney, the judge provided, a third extension request made by the city, an additional three months. Commissioner Martin inquired about funding. Traffic Engineer Rene Guerrero stated the project was created in the capital improvement program in the fiscal year of 2015/2016. The last appropriation to the project occurred at City Council's approval on November 15, 2015. The makeup of the budget was as follows; a little over \$16,000 of State Bill 1186, collected from a fee of \$1 from each business license, the project was also funded by Series AN bonds, which were lease revenue bonds, in the amount \$140,000, it was also funded by \$75,000 of measure R funds, and \$872,000 of general funds carry over which was approved by City Council on November 16, 2015. All of the funds were approved for a project titled, "Citywide ADA curb and ramps compliance program" which this particular project best fit into. The citywide project was estimated to cost around \$7.5 million and the project being discussed tonight was estimated to cost \$725,000. Commissioner Garcia suggested installing speed bumps rather than bulb-outs. Commissioner Kercheval requested examples of other projects where bulb-outs were installed in a historic area and the community was happy with the changes. Development & Neighborhood Services Director Lazzaretto stated he did not feel comfortable with attempting to convince the commission regarding the bulb-outs. He suggested continuing the item to the next meeting to allow staff to go into closed session with the City Council and discuss the difficulties of the item and allow them to decide which direction they would like us to proceed. Chair Gallivan re-opened public hearing. Mr. Ed Tessier thanked the staff for working on the project and be respectful about his involvement in the case as they had not, in public or private, every mentioned him and it was completely out of line for the City Attorney to name shame him in a public meeting as he did tonight as well as finger point him out in case the public was not aware of who he was. He stated he felt the City Attorney was making him the center piece of the community's anger over the design of the project and he absolutely resented that and he believed it was completely out of line. He stated he was compelled to share his feelings and he hoped it would not do anything to ruin the opportunity to find a reasonable resolution with the court or it would not do anything to ruin his reputation. He stated there was nothing in the litigation mandating the

design solutions presented tonight. There was nothing in the litigation regarding bulb-outs or the distance of crosswalks. The litigation was dealing with the lack of ADA compliance of both the park and the surrounding streets. There had been a drumbeat of stating the bulb-outs were ADA, but in his mind the issues were completely separate, crosswalk design verses ADA compliance. If the city had concerns regarding life/safety issues and risk management involving the intersections, they should be dealt with as they are, life/safety risk management, and not state it was impossible to comply with the ADA without installing bulb-out. It very well may be the design the city goes for, but it was not the solution his pursuit of litigation advocated. He stated he had no idea if the judge or his attorney would allow additional time, but he did not want to be the person in the room stepping on the gas and demanding a resolution that was going to bake in opposition to the solution. If the Commission was interested in additional time to attempt to come to a consensus, he did not object. Without speaking for the judge or his attorney, he stated he believed taking time to buy into the solution was perfectly reasonable.

The Commission discussed and agreed for the public hearing to remain open to continue the item to the March 1, 2017, Historic Preservation Meeting to allow staff to provide examples of other historic areas where these changes were successfully made, to provide alternate solutions with and without the bulb-outs, and to request an extension from the Federal Judge.

Motion by Commissioner Martin, seconded by Commissioner Kercheval, carried by a majority vote of the members present (5-0-1-1), Commissioner Tomkins abstained and Commissioner Tessier excused, continuing Major Certificate of Appropriateness (MAJCOA 5720-2016).

Development & Neighborhood Services Director Lazzaretto stated staff would bring back what they could, but requesting alternate plans can become extremely costly and may need approval from the City Council.

Chair Gallivan stated he would like to make a motion to ensure proper noticing for the next meeting, 1000 feet radius from the park. Please ensure the historic societies are noticed as well.

Motion by Chair Gallivan, seconded by Commissioner Martin, carried by a majority vote of the members present (5-0-1-1), Commissioner Tomkins abstained and Commissioner Tessier excused, approving noticing of 1000 feet radius from the park for Major Certificate of Appropriateness (MAJCOA 5720-2016).

ITEM G:
NEW BUSINESS:

1. Selection of New Chair and Vice-Chair

Motion by Commissioner Kercheval, seconded by Commissioner Martin, carried by a majority vote of the members present (5-0-1-1), Commissioner Garcia abstained and Commissioner Tessier excused, approving Commissioner Gallivan for Chair of the Historic Preservation Commission.

Motion by Commissioner Garcia, seconded by Commissioner Kercheval, carried by a majority vote of the members present (5-0-1-1), Commissioner Garcia abstained and Commissioner Tessier excused, approving Commissioner Martin for Vice-Chair of the Historic Preservation Commission.

ITEM H:
HISTORIC PRESERVATION COMMISSION COMMUNICATIONS:

Commissioner Kercheval mentioned a tarp over Casa Premiere and requested status on the roof repairs.

Commissioner Tomkins requested the firehouse to be added to a future agenda so status and documentation could be shared with the Commission.

ITEM I:
DEVELOPMENT SERVICES MANAGER COMMUNICATIONS:

1. Minor Certificates of Appropriateness approved October 2016 through January 2017.

ITEM J:
ADJOURNMENT:

Chair Gallivan adjourned the meeting at 10:58 pm to the next regularly scheduled meeting of the Historic Preservation Commission on March 1, 2017, in the City Council Chambers.

Brad Johnson
Development Services Manager

Maureen Casey, Transcriber

The minutes of this meeting are filed in the Planning Division of City Hall, located 505 South Garey Avenue, Pomona, CA, 91766.