

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov



LUIS HOYOS, AIA
.....*Chairperson*
CLAIRE BOGAARD
.....*Vice Chairperson*
TRISH FERNANDEZ
DONN GRENDA, Ph.D
RICHARD MOSS
JULIANNE POLANCO
RICHARD SHEK, Ph.D
CAROL L. NOVEY
MILFORD WAYNE DONALDSON
.....*Executive Secretary*

Quarterly Meeting
of the
STATE HISTORICAL RESOURCES COMMISSION

State Resources Building
Auditorium, First Floor
1416 9th Street
Sacramento, California 95814

August 4, 2006

COMMISSIONERS PRESENT

Luis Hoyos, AIA, Chairperson
Architecture Member
Claire Bogaard, Vice Chairperson,
Public Member
Trish Fernandez, M.A., Historic
Archaeology Member
Donn Grenda, Ph.D., Prehistoric
Archaeology Member
Rick Moss, Historian Member
Carol L. Novey, Public Member
Julianne Polanco, Architectural
History Member

STAFF PRESENT

Milford Wayne Donaldson, FAIA,
SHPO, Executive Secretary
Stephen Mikesell, Deputy SHPO
Cynthia Howse, Staff Historian
Patricia Ambacher, Staff Historian
Eric Allison, Associate Information
Systems Analyst, CHRIS Coordinator
David Riem, Student Assistant
Diane Thompson, Staff Assistant
Tara Todd, Staff Counsel

CALL TO ORDER

Legal notice having been duly given, the State Historical Resources Commission meeting was called to order at 9:01 a.m. by Chairperson Hoyos. Those assembled recited the Pledge of Allegiance.

I. INTRODUCTION OF COMMISSIONERS AND STAFF

Commission members introduced themselves and Wayne Donaldson, State Historic Preservation Officer, (SHPO), introduced Office of Historic Preservation (OHP) staff.

II. WELCOME

Director Ruth Coleman of California State Parks welcomed the Commission.

IV. APPROVAL OF MINUTES OF MAY 5, 2006

Chairperson Hoyos asked for corrections or additions to the minutes. There being none, he asked for a motion to approve the minutes.

Action: Commissioner Polanco moved that the minutes be approved as presented. Commissioner Novey seconded the motion. Motion carried unanimously.

V. COMMISSION AND STAFF REPORTS

A. CHAIRPERSON'S REPORT

Chairperson Hoyos said Commissioners received legal and technical training at the previous day's workshop. Following, some of the Commission subcommittees met in the afternoon. He noted this meeting was distinguished by the fact that two buildings designed by Frank Lloyd Wright were under consideration.

B. EXECUTIVE SECRETARY'S REPORT

SHPO Donaldson reviewed what has happened in preservation since the last Commission meeting in California and across the country. Legislation was introduced by Congressman Steven Pierce, from New Mexico, who is also Chair of the Subcommittee on National Parks within the House Resources Committee. Originally, the bill dealt with Section 106 compliance. The Executive Board of the National Conference of State Historic Preservation Officers (NCSHPO) met in Albuquerque and drafted some alternative language to Pierce's bill, so that there is no substantive change in Section 106 requirements. There was some streamlining of the process and the inclusion of language that requires Certified Local Governments to include adequate public hearing and input in their review. SHPO Donaldson saw that as a win for preservationists and the Section 106 process.

SHPO Donaldson stated he attended a Department of Defense conference held in Seattle July 12-14, 2006 on the treatment of historic resources on bases controlled by the Department of Defense. He was one of two SHPOs invited (the other was from Georgia) and he felt they were able to provide important input on the future of Cold War era cultural resources.

Upcoming is the Preserve America Summit, chaired by First Lady Laura Bush, which includes the Advisory Council on Historic Preservation, chaired by John Nau. A similar conference was held a few years ago at the Getty to discuss the future of which preservation in California, but this meeting will have a national focus. Mr. Donaldson has been appointed to a ten-member committee charged with determining what resources are important, especially as relates to the recent past, to meet in Washington, D.C. on September 7, 2006. There are eleven committees meeting until October 18, 2006 when the whole group will meet in New Orleans to chart the future course for preservation in the country.

SHPO Donaldson announced Redding as the first community certified as a Main Street Community since OHP took over the Main Street Program. A day-long celebration will be held August 24, 2006.

Also upcoming is a meeting with the nine Tribal Historic Preservation Officers (THPOs) on August 23, 2006 to talk about the digital California Historical Resources Information System (CHRIS) system. After meeting with the THPOs, there will be another larger meeting with all interested tribes and organizations to discuss this important change that CHRIS is undergoing.

Finally, SHPO Donaldson stated the California League of Cities is holding its annual conference in San Diego; he will lead a session on Historic Preservation Ideas and Issues. That will take place September 8, 2006.

C. STEPHEN HORNE, PRESIDENT-ELECT OF THE SOCIETY FOR CALIFORNIA ARCHAEOLOGY

Chairperson Hoyos introduced Mr. Horne, who spoke and provided Archaeology Week posters and newsletters to the Commissioners. He said that Archaeology Week will take place in the fall this year to fit with elementary school curriculum.

D. CERTIFIED LOCAL GOVERNMENT GRANT AWARDS FOR 2006

SHPO Donaldson read the names of the Certified Local Governments that will receive OHP Grants this year and the amounts they would receive. They are: **City of Glendale**, \$25,000 to develop a historic context and conduct a reconnaissance level survey of Craftsman-era residential architecture threatened by development in areas zoned for multi-family housing; **City of Pasadena**, \$20,000 to develop a historic context and conduct a reconnaissance survey of mid-twentieth century architecture; **City of Riverside**, \$25,000 to development a historic context and conduct a reconnaissance level survey of the Arlanza area, site of the former World War II Army camp Anza; **City of San Diego**, \$20,000 to develop a historic context for Modernism in San Diego;

City/County of San Francisco, \$15,000 to complete an intensive level survey of the Inner Mission North, area 3.

VI. RESOLUTIONS

- A. **Locke Foundation/Locke Management Association.** Alex Eng accepted the award for the Foundation and Management Association and thanked the Sacramento County Board of Supervisors and especially Supervisor Illa Collin for her support of Locke. He also thanked California State Parks for its ongoing support and cooperative assistance. (Resolution attached)
- B. **State Historical Building Safety Board.** Alan Dreyfus, Chair of the Board, accepted the Resolution on behalf of the Board. (Resolution attached)

VII. CLOSED SESSION OF THE COMMISSION

- A. Pending Litigation: California Register of Historical Resources – Lincoln Place Apartments, Venice, California.

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would prejudice the position of the Commission. [Government Code §11126(e) (1) & (e)(2)(A)].

AIMCO Venezia, LLC, v. State of California, State Historical Resources Commission, et al., Los Angeles Superior Court Case No. BS 103594.

VIII. POWERPOINT PRESENTATION OF ALL NOMINATED PROPERTIES

Cynthia Howse and Patricia Ambacher presented a PowerPoint presentation of properties to be considered under the registration programs.

IX. CONSENT CALENDAR

A. NATIONAL REGISTER OF HISTORIC PLACES

Ard Eevin
Glendale, Los Angeles County
Local Level of Significance

Beverly Hills Women’s Club
Beverly Hills, Los Angeles County
Local Level of Significance

Buehler, Maynard & Katherine, House
Orinda, Contra Costa County
State Level of Significance

Ellis-Martin House
Petaluma, Sonoma County
Local Level of Significance

Fox Fullerton Theatre Complex
Fullerton, Orange County
Local Level of Significance

Walton, Dr. Robert & Mary, House
Modesto, Stanislaus County
State Level of Significance

B. CALIFORNIA POINT OF HISTORICAL INTEREST

Debenedetti, Joseph, Building

Half Moon Bay, San Mateo County

Commissioner Comments

Chairperson Hoyos asked the Commission if anyone wanted to recuse him or herself for any reason. There being no response, he entertained a motion to approve the Consent Calendar.

Action: Commissioner Bogaard moved and Commissioner Grenda seconded the motion to approve the nominations included in the Consent Calendar. Motion carried unanimously.

Public Comment

Christy McAvoy spoke on behalf of Sally McAller, the owner of Ard Eevin. She invited the commissioners to tour the property and thanked the Commission for approving it. She was thanked in turn by SHPO Donaldson, who told her that OHP had received many emails in support of the project.

Anton Selkowitz, owner of the Ellis-Martin House, also thanked commissioners for approving his property and invited them to visit. He added that he is in the process of refurbishing the home under the supervision of an historical architect.

Commissioner Polanco congratulated applicants and owners of buildings on the Consent Calendar for being faithful stewards of the buildings in their care.

Chairperson Hoyos thanked Carol Roland for her two nominations of the Frank Lloyd Wright buildings.

X. **DISCUSSION & ACTION ITEMS**

A. NATIONAL REGISTER OF HISTORIC PLACES

California Memorial Stadium

Berkeley, Alameda County
State Level of Significance

Tallman Hotel

Upper Lake, Lake County
Local Level of Significance

Chairperson Hoyos alerted the audience and those supporting and opposing the nominations that it was the Commission's desire to act on these items in a fair and timely manner. To that end, he imposed time limits on the public discussion of each item, twenty minutes for those supporting and the same for the opposition. Then, there will be five minutes of rebuttal by each side. The timer will sound at the end of each period, after which public discussion will be closed and commissioners will discuss and then act on the items. He then asked if any commissioner wished to recuse him or herself from the discussion of either of the items. There being no response, he allowed public comments.

California Memorial Stadium

Staff Historian Howse read her staff report to the Commission. She noted that the property's owner, the Regents of the University of California, had reviewed and commented on the nomination, in both the original and revised forms. The owner identified its concerns with the revised nomination in a July 24, 2006 letter, which OHP forwarded to the applicant, who was prepared to address the University's concerns. In staff's opinion, the University's concerns were minor and did not affect the nomination's overall adequacy or were outside the scope of the National Register nomination. She added that staff recommended listing the property under Criterion C at the state level of significance.

Proponents

Wendy Markal, current president of Berkeley Architectural Heritage Association, spoke in support of the nomination. She said that Berkeley has already lost many John Galen Howard buildings. She added that the stadium is a memorial to those who died in World War I.

John English said there seems to be broad consensus that California Memorial Stadium deserves to be on the National Register. He was involved in making the substantial changes to the nomination requested by the stadium's owner. The girdle of open space surrounding the stadium does not include all of the original grounds of the stadium, as certain portions have suffered severe loss of integrity. The stadium is unique in that it is a hybrid, a combination of the earthen bowl and coliseum types of stadium.

Janice Thomas also spoke in support of the nomination, noting in her remarks that John Galen Howard's stadium was designed to blend into its environment. The design emphasized the natural topography and sought to maintain openness in a panoramic setting.

Lesley Emmington Jones, a member of Berkeley's Landmark Preservation Commission, also spoke in support of the nomination. She told the Commission that the stadium is the culmination of John G. Howard's career. It still exists with full integrity of vistas out the Golden Gate, into Strawberry Canyon, both in the space surrounding the stadium and even as one watches a game in the stadium. It has this wonderful sense of place, surrounded by the oak grove that has matured into being a resource on its own.

Opponents

Emily Martinsen, University of California at Berkeley Assistant Vice-Chancellor for Physical and Environmental Planning introduced Bob Milano, Jr., Assistant Athletic Director, UC Berkeley, Frederick Knapp of Frederick Knapp Architects, and Darryl Roberson, Studio Architecture. She also introduced the principal planner at UC Berkeley and Manager of the Environmental Planning Program. She said the University strongly supports the stadium's nomination to the National Register, but also requests that some edits be made to reflect greater accuracy in the description.

Bob Milano, Jr. stated it is the events and gatherings that take place in the Fall that make the stadium so special and significant. This significance has been clear since the first Cal-Stanford game took place in 1923. It is UC's responsibility and intent to perpetuate this resource for future generations. But modernization is essential for both safety and comfort. Events, not architecture, are the primary object.

Frederic Knapp stated UC would like the nomination amended to make it more complete and accurate. First was the integrity of the stadium rim in reference to the press box and the scoreboards that extend above the stadium rim, as noted in Section 8, page 33, which says "the existing press box and scoreboards are less intrusive, though problematic." UC requests the nomination address whether the press box and scoreboards impair the integrity of the stadium. The second involves open space. UC would like the nomination to reflect that the girde of open space is interrupted in two places, so it can no longer be described as continuous. The last amendment UC would like concerns the façade on the west side and whether it is "monumental."

Darryl Roberson spoke on behalf of UC as his firm, Studio Architecture, has been involved in the renovation and updating of the stadium project. The two major character-defining elements are the Roman façade and the bowl itself.

Chairperson Hoyos asked Mr. Roberson if he intended to show future projects at the stadium. Mr. Roberson responded yes. Chairperson Hoyos stated the Commission cannot take future plans into account.

Proponent Rebuttal

John English presented a brief rebuttal to the points raised by Mr. Knapp, saying that the parking lots which have suffered drastic loss of integrity have been specifically excluded in the revised nomination.

Janice Thomas added the façade's description is a relational concept and that authors of the nomination want the stadium to look as beautiful 100 years from now as it does today.

Opponent Rebuttal

Frederic Knapp repeated UC would like to add to the description of the façade that it is a monumental classical façade. From a distance it appears low relative to other factors, but up close, it is a monumental classical façade. And, as regards the girde of open space, Janice Thomas's photo was taken before International House was built. He stated the University is largely in agreement with the nomination, but wants these clarifications in the statement of significance and description.

Commissioner Comments

Commissioner Novey said she was confused as to the University's position. She asked the Applicant what difference the changes would really make.

SHPO Donaldson asked OHP staff if the requested changes were substantial enough to require a rehearing. Staff Historian Howse stated the University requested two revisions: One is to state that the girdle of open space lacks integrity in some places and the other that the nomination not stress that the façade is low and horizontal, but is monumental. She believed the requested revisions were minor.

Commissioner Fernandez said she too believed the changes were minor.

Chairperson Hoyos and SHPO Donaldson asked if the applicant was willing to make the requested revisions.

John English said the applicant is anxious to see the nomination move forward and will work with OHP staff to make the changes.

Action: Commissioner Novey moved that the property be found eligible for listing on the National Register under Criterion C at the state level of significance with the inclusion of changes based upon the concerns of the University of California. Commissioner Polanco seconded the motion. Motion carried unanimously.

Tallman Hotel, Upper Lake, Lake County

Staff Historian Ambacher read the staff report on the Tallman Hotel, which did not recommend listing in the National Register due to loss of architectural integrity.

Chairperson Hoyos advised applicant and his supporters that they had twenty minutes to present their case.

Proponents

Bernard Butcher, owner of the property, spoke in favor of listing it on the National Register. He thanked OHP for its assistance and professionalism during the application process. A U.S. history teacher, he was attracted to the historic restoration and rehabilitation of this building by that affection and respect for its history. He stated the property is eligible under Criterion A as the only hotel in Upper Lake at the turn of the twentieth century, the period of significance. At the time, Upper Lake was a transportation hub, the end of the stage line from Ukiah and Cloverdale. Rufus Tallman, for whom the hotel was named, also owned a livery stable and a saloon. Mr. Butcher contended he had made minimal alterations and upgrades to the hotel consistent with commercial viability and had returned the property to its original commercial use, to the benefit of the historic town of Upper Lake.

Andrew Peterson, Deputy Director of Redevelopment for Lake County, spoke in support of the nomination. He underscored how important the restoration of the Tallman Hotel is to Lake County. The restoration and rehabilitation of the hotel has breathed life back into the community and while he admitted he was no expert in this area, he believed the hotel met the spirit of the National Register and deserved to be listed.

Commissioner Comments

Commissioner Fernandez asked the relationship between the significance of the building and its modifications. As it is being nominated under Criterion A, it seems it has been rehabilitated to its historic function and character.

Commissioner Polanco spoke to the integrity issue. She wondered if the removal of the various modifications the building had undergone would have restored the loss of integrity. She was comfortable with changes to all but the veranda.

Commissioner Bogaard commended them on the restoration, but believed the cumulative changes disqualified the building for the National Register.

Commissioner Novey said the owner had done a great job on the rehabilitation of the hotel.

Commissioner Moss also commended the owners on the rehabilitation/restoration, but did not feel the case for the significance of the hotel was made. He supported the opinion expressed in the staff report.

Commissioner Grenda said he works in an 1890 warehouse in Redlands and felt great sympathy for the Butchers and the immense amount of money they spent on this project. He said he was struggling with all the various changes the hotel has undergone.

Commissioner Moss asked Mr. Butcher if he had considered any other historic designation.

Staff Historian Howse said the building would not qualify as a State Historic Landmark. OHP would not encourage a Point of Historical Interest application.

Chairperson Hoyos said he had rehabilitated buildings of that period and it is hard to know what to change and what to retain. He felt he could not support some of the changes and sided with the staff report that the accumulation of changes rendered the property ineligible.

Action: Commissioner Bogaard moved to deny forwarding the nomination to the Keeper for listing in the National Register as changes to the building were too great. Commissioner Moss seconded the motion.

Deputy SHPO Mikesell said that if the Commission supports the staff recommendation denying the property is eligible for the National Register, the Applicant can appeal directly to the Keeper.

Commissioners Moss, Bogaard, and Hoyos voted to deny the property eligibility for the National Register. Opposed were Commissioners Grenda, Fernandez, Polanco, and Novey, 3-4; Motion failed.

Commissioner Fernandez moved that the Commission find the property eligible under Criterion A for forwarding to the Keeper. Commissioner Polanco seconded the motion. Commissioners Fernandez, Grenda, Novey, and Polanco voted aye. Opposed were Commissioners Moss, Hoyos, and Bogaard, 4-3; Motion carried.

B. PROGRESS REPORT

The following nominations have been placed on the National Register of Historic Places. The National Park Service Notice of Listings identifying these nominations has been received by the Office of Historic Preservation since the last regular meeting of the Commission. These properties also have been placed on the California Register of Historical Resources.

Mission San Miguel Arcangel, (NHL), San Miguel San Luis Obispo Co.	3/20/06
St. Raymond's Church, Dublin, Alameda Co.	4/12/06
Temelec, Sonoma Vicinity, Sonoma Co.	4/19/06
Hotel Montgomery, San Jose, Santa Clara Co.	4/20/06
Sears, Roebuck & Co. Mail Order Bldg, Los Angeles, Los Angeles Co.	4/21/06
Port of San Francisco Embarcadero Historic District, San Francisco, San Francisco Co.	5/12/06
Lassen Volcanic National Park Highway Historic District Mineral vicinity, Shasta Co.	6/23/06
Manzanita Lake Naturalist's Services Historic District, Shingletown, Shasta Co.	6/23/06
Ladies' Relief Society Children's Home, Oakland, Alameda Co.	7/13/06
MacFarland House, Stanford, Santa Clara Co.	7/21/06

C. CALIFORNIA REGISTER OF HISTORICAL RESOURCES DISCUSSION AND ACTION ITEMS

1. **Request to Remove Sand & Sea Club/Locker Building,** Santa Monica, Los Angeles Co.

Chairperson Hoyos asked if any commissioner wished to recuse him or herself from the discussion or report any communication. None responded. Chairperson Hoyos said he had attended an informational event at the site. He noted that he had speaker slips for parties supporting and in opposition to the request. He reiterated that each side would have twenty minutes to make their case, followed by a five minute rebuttal for each side.

Staff Historian Howse read the staff report, which noted the building was listed on the California Register in error in 1994 when it was determined eligible for listing on the National Register through Section 106 process as a contributor to the Palisades Beach Gulf Coast District. Although the Locker Building status in a district determined eligible for the National Register has been administratively changed by the State Historic Preservation Officer, removal of the building from

the California Register requires Commission action. The building was constructed in 1948, after the district's period of significance.

Proponents

Karen Ginsberg, Assistant Director, Community & Cultural Services, City of Santa Monica, spoke in favor of removal. Santa Monica has worked closely with California State Parks to rehabilitate and adaptively reuse this 5 acre site on the beach, which was damaged in the Northridge earthquake in 1994. It will be used as a beach-oriented public recreational and meeting facility.

Christy McAvoy, of Historic Resources Group, spoke in favor of removal. She said that information had come to light over a period of time, starting with a survey in 1983 and additional reports in 1994 and 2001. She offered to answer any questions commissioners had. She explained that Santa Monica undertook its first comprehensive survey in 1983. That survey included properties identified with Hollywood celebrities, such as Marion Davies. That estate and the Sand and Sea Club were included in the Gold Coast District. In 1994, the property was damaged and there was a programmatic agreement between OHP and FEMA to do a series of rapid updates to determine which damaged buildings were eligible for the National Register. All buildings on the site, damaged or not, were evaluated as eligible for the National Register. In 2001, as Santa Monica began to contemplate the project on this site, they took a closer look at the buildings. It was determined that the Locker building and a couple of other buildings on the site were not built during the Marion Davies period of significance or the Gold Coast period of significance. The Locker Building was built in 1948.

Chairperson Hoyos asked for any opposition to the removal. There being none, he closed the public portion of the discussion.

Commissioners' Comments

Commissioner Grenda said he supported the delisting.

Commissioner Novey stated she found the report very thorough and also supports the delisting.

Commissioner Polanco thanked those who had prepared the materials for a good job.

Action

Commissioner Moss moved that the Commission grant the request of the City of Santa Monica to remove the Locker Building from the California Register of Historical Resources. Commissioner Grenda seconded the motion. **The motion carried unanimously.**

2. **Request for Redetermination - Lincoln Place Apartments**, (Venice), Los Angeles Co.

Chairperson Hoyos introduced a request to redetermine an action taken by the Commission at its May, 2006 meeting. He stated time will be allocated as for a new nomination which is twenty minutes for each side, followed by five minutes of rebuttal by each side. The public discussion will then be closed and commissioners will have their turns.

SHPO Donaldson read the staff report, which included the information that the Commission has the power to reverse or alter its prior determination in whole or in part if any of the following occur: 1) there is significant error in the facts, information or analysis on which prior decision was based; 2) the prior determination, in light of current information, appears to have been arbitrary, capricious, or based on substantial error. If the request for redetermination is denied, then the original determination shall become final for all purposes, unless the resource is later shown to have been altered or to have lost its integrity. SHPO Donaldson recommended denial of the request for redetermination.

Proponents:

Bill Delvac, attorney for AIMCO Venezia, owners of Lincoln Place Apartments, asked that Chairperson Hoyos recuse himself from the deliberations and vote.

Chairperson Hoyos declined.

Mr. Delvac stated he also objected to the fact that Chairperson Hoyos participated in the Closed Session of the Commission. Mr. Delvac stated his opinion that the staff report shows an unwillingness to grapple with the counter evidence. He added that he did not agree with the analysis in the staff report of *Nasha v. City of Los Angeles*. *Nasha* did not say that commissioners never had bias, it says when a commissioner's actions show the probability of bias, the commission's action, not just the commissioner's, is going to be thrown out. In the *Nasha* case, the commissioner wrote an article expressing a personal opinion and the court found his prior expression of personal opinion about the matter represented the probability of bias. Mr. Hoyos has participated not in a group advocating preservation, but in a group suing the property owner. Mr. Delvac concluded by saying that no one is suggesting Mr. Hoyos should not be on the Commission, but he should not be voting on this matter.

Opponents

Amanda Seward, who wrote the nomination for Lincoln Place, spoke in opposition to the request for redetermination. Ms. Seward stated the standards for redetermination have not been met by Mr. Delvac's request. No new information was presented.

Laura Burns spoke in opposition to the request for redetermination. She asked that the Commission be faithful to its charge and deny the request.

Rebuttal of Proponents

Mr. Delvac stated the public has a right to transparency. More importantly, AIMCO-Venezia has a right to a process that is completely above reproach. Lincoln Place still needs one fair hearing.

Rebuttal of Opponents

Amanda Seward said that the LA Conservancy was one of the plaintiffs in the suit against AIMCO-Venezia with several other organizations, including the Twentieth Century Architectural Alliance. But the case did not have anything to do with whether or not the property was historic. The issue was that the City of Los Angeles was not following its own statutes in the issuance of demolition permits.

Chairperson Hoyos closed the public hearing and asked for comments from the Commission.

Commissioner Comments

Commissioner Fernandez began by saying that she had not expected to have to grapple with issues such as this as a commissioner. She did not believe the Commission made the determination in an arbitrary and capricious manner and did not see any reason to grant the redetermination.

Commissioner Novey said that with all the documents, all the facts that the Commission was given, she did not feel there was any bias in the handling of the nomination and did not support the request for redetermination.

Commissioner Grenda said he believed bias on the part of Chairperson Hoyos was an issue in this case.

Staff Attorney Todd stated that the decision is whether or not the Commission's action was arbitrary and capricious or based on substantial error. When a court looks at bias, it looks at whether or not bias tainted the Commission's decision.

Commissioner Novey asked Staff Counsel Todd if the Commission decided to agree to the redetermination, would the Commission be liable for further legal action?

Staff Counsel Todd agreed that by voting for redetermination, the Commission would also have to find that one of the grounds existed and that would, in fact, make the previous May determination void. The Commission would not be making a legal determination about the bias of a commissioner. A perception of bias alone would be enough to meet one of the grounds for redetermination if the Commission so determined.

Commissioner Moss said that he appreciated the preparation of both sides on this issue. He said he voted in favor and had not changed his mind.

Commissioner Polanco declined to comment.

Action: Commissioner Moss moved and Commissioner Novey seconded, to grant AIMCO's request for redetermination. Commissioners Fernandez, Moss, Bogaard, Hoyos, Polanco, and Novey opposed, 6-0. Commissioner Grenda abstained. **Motion failed.**

XI. ACTION AND DISCUSSION ITEM

Information Centers Fee Increase – Eric Allison, Associate Information Systems Analyst, CHRIS Coordinator

Mr. Allison introduced himself and presented a proposed rate increase for services provided by Regional Information Centers, which requires Commission approval. Under state and federal laws, OHP is required to maintain the statewide inventory of historical resources, which it accomplishes by contracting with the Regional Information Centers (ICs) of the California Historical Resources Information System (CHRIS).

The ICs and OHP met in June to discuss numerous issues, including the increases to the current fees for services that are uniformly charged to IC clients. The ICs voted for the rate schedule changes included in materials provided to the Commission. IC fees have not changed in more than five years, while costs associated with running an IC and providing IC services and maintaining the inventory have all risen. The new rate schedule is to become effective on October 1, 2006.

Commissioner Novey asked if there were guidelines surrounding what constitutes an emergency and when an emergency fee is charged. Mr. Allison said yes.

SHPO Donaldson recommended that the term "emergency" be clarified as it relates to IC services, and how that relates to an officially declared local, state, or national emergency.

Commissioner Polanco asked if clients requesting service during a declared emergency are then charged more. SHPO Donaldson said the additional charges are related to the extra effort to reduce the turn-around time.

Action: Commissioner Grenda moved that the request to increase fees at the ICs be approved as written, with the assumption that language defining an emergency will be changed. Commissioner Moss seconded the motion. Motion carried unanimously.

XII. COMMISSIONERS' REPORTS

- A. Cultural Resources of the Modern Age Committee – Commissioner Hoyos, Chairperson (attached)
- B. Cultural Landscapes Committee – Commissioner Hoyos, Chairperson (attached)

- C. Cultural Diversity Committee – Commissioner Moss, Chairperson
- D. Archaeological Resources Committee – Commissioner Fernandez, Chairperson
- E. Yearly Goals & Objectives Committee – Commissioner Bogaard, Chairperson

XIII. ADJOURNMENT

SHPO Donaldson noted that Commissioner Richard Shek will be in Japan for a year.

Deputy SHPO Mikesell asked commissioners their wishes regarding the afternoon following the Thursday Workshop for the next Commission meeting, to be held in Sacramento in October. Commissioner Novey expressed her wish that the Commission take a tour on Thursday afternoon.

SHPO Donaldson said his staff would present possible locations for next year's Commission meetings at the October meeting. He solicited input from commissioners, adding that we would like to meet where there is already some relationship with OHP and the Commission in place.

There being no further business to come before the Commission, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Milford Wayne Donaldson, FAIA
Executive Secretary

DATED _____

STATE HISTORICAL RESOURCES COMMISSION

RESOLUTION NO. 2006-7

RESOLUTION OF COMMENDATION

Locke Foundation & Locke Management Association

WHEREAS, Locke, on the Sacramento Delta, is one of the few rural Chinese towns left in the United States. Prevented by the California Alien Land Act from owning land, Chinese merchants built the town in 1915 on land owned by George Locke. Locke survived as other communities perished, reflecting a community cohesiveness remarkable to this day. Unique, Locke was placed on the National Register of Historic Places in August 1970 and became a National Historic Landmark in 1990; and

WHEREAS, in the late 1990s, Locke struggled for its life as buildings and infrastructure deteriorated; in February, 2002, Sacramento Housing and Redevelopment Agency (SHRA) purchased and subdivided the land under the town to connect building ownership with land ownership and to allow public funds to be used for badly-needed repairs; and

WHEREAS, seventeen people, from many different groups, came together as the Community Advisory Committee to hammer out consensus on the functions and by-laws governing the unprecedented non-profits they created, Locke Management Association and the Locke Foundation.; and

WHEREAS, the Locke Management Association governs like a homeowners' association and gives voice to those, living and dead, whose stories are waiting to be told, while Locke Foundation solicits donations from public and private sectors to preserve the cultural and historical significance of Locke; and

NOW, THEREFORE BE IT HEREBY RESOLVED, that the State Historical Resources Commission commends the Locke Management Association and the Locke Foundation for the vision, diligence, and creativity that forged these unique organizations and continues to shape the town's rehabilitation, protection, and the ongoing interpretation of its storied past; and

BE IT FURTHER RESOLVED, that this Resolution be recorded in the minutes of the State Historical Resources Commission, and that a suitable copy be presented to the Locke Foundation and Locke Management Association.

Dated: August 4, 2006

STATE HISTORICAL RESOURCES COMMISSION

By _____
Luis Hoyos, AIA.
Chairperson

By _____
Milford Wayne Donaldson FAIA,
Executive Secretary

STATE HISTORICAL RESOURCES COMMISSION

RESOLUTION NO. 2006-8

RESOLUTION OF RECOGNITION

State Historical Building Safety Board

WHEREAS, the California Historical Building Code, a prototype performance-based code, was created by legislation in 1975, giving the State Historical Building Safety Board authority to draft regulations, consult, review, and hear appeals for code and regulation issues related to qualified historic buildings, structures, and properties; and

WHEREAS, the California Historical Building Code provides regulations and standards for the rehabilitation, preservation, restoration or relocation of historic buildings, structures, and properties deemed important to the history, architecture, or culture of an area by local, state, or national government; and

WHEREAS, such standards and regulations facilitate the restoration to preserve historic buildings' original or restored elements and features, encourage and promote energy conservation, sustainability, and a cost effective approach to preservation, provide for reasonable safety from fire, seismic forces or other hazards for occupants and users and reasonable access for people with disabilities; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the State Historical Resources Commission expresses its deep appreciation of the State Historical Building Safety Board for consistently applying the Code, promoting its use through educational workshops and conferences, and providing technical assistance, interpretation, and rulings, thereby enhancing the protection of historic properties in the State of California; and

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of the State Historical Resources Commission, and that a suitable copy be presented to the State Historical Building Safety Board.

Dated: August 4, 2006

STATE HISTORICAL RESOURCES COMMISSION

By _____
Luis Hoyos, AIA.
Chairperson

By _____
Milford Wayne Donaldson FAIA,
Executive Secretary

State Historical Resources Commission

Cultural Resources of the Modern Age Committee
Cultural Landscape Resources Committee

Joint Committee Report
August 3, 2006

The Cultural Resources of the Modern Age Committee and Cultural Landscape Resources Committee held a joint session to discuss goals and activities for the near and long term.

1. Attendance at various national conferences where preservation issues connected to modern resources (buildings and landscapes) form the agenda. Upcoming conferences include the National Trust's annual conference in Pittsburgh in October, which has the theme of "greening" of preservation. In addition it was noted the California Preservation Foundation's annual conference will be held in Hollywood in 2007. The latter presents a potential opportunity for committee member participation.
2. The committee members are interested in raising awareness and understanding of Modern resources by offering program content at preservations conferences. Various models were discussed. Key considerations included the type of conference and the intended audience.
3. Finally, the committee members continue to discuss adding content to the OHP website in the form of papers, reports, etc., to increase its usefulness to the public.