

**MINUTES APPROVED AT THE SPECIAL HPC MEETING ON OCTOBER 2, 2024**

**Historic Preservation Commission Meeting  
Richmond Room, 450 Civic Center Plaza,  
Richmond, CA 94804**

July 1, 2024  
5:30 p.m.

**MINUTES**

**Roll Call:**

Chair Joann Pavlinec called the meeting to order at 5:36 p.m.

Present: Chair Joann Pavlinec, Vice Chair Caitlin Hibma; Commissioners Jonathan Haerber, Michael Hibma, Fatema Crane

Absent: Commissioner Linda Hemmila, and Gretchen M. Stromberg

Guest: James Atencio, City Attorney; George Kabaivanov, Building Official; Doria Robinson, City Council member and Liaison

Staff: Hector Rojas, Planning Manager

**Approval of Minutes:**

April 9, 2024

Chair Joann Pavlinec noted minor corrections on the Historic Preservation Commission (HPC) minutes for the April 9, 2024 meeting and referenced Page 8, at the bottom of the page there was a misinterpretation of the word “plainer”, the intention was planar. On the last page, Page 13, under B. Discussions – Second Paragraph, the first sentence of the paragraph made sense, the second did not “and having three could prove difficult unless there were two subcommittees” should be removed. It is also missing the comment from the building official that the demolition timeline could move further out to a date rather than following the meeting directly on April 9.

<p><b>ACTION:</b> It was M/S/C (J. Haerber/M. Hibma) to approve the minutes for the April 9, 2024 meeting as revised; approved by unanimous voice vote: 4-0-1-2 Ayes: Pavlinec, M. Hibma, J. Haerber, C. Hibma; Noes: None; Abstain: F. Crane; Absent: G. Stromberg, L. Hemmila</p>
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**Approval of Agenda:**

There were no actions for Agenda Changes.

**Meeting Procedures:**

Chair Pavlinec provided an overview of the meeting procedures.

**Public Forum:**

None

**Liaison Reports:**

City Council member Doria Robinson reported there was no report.

**Consent Calendar:**

None

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**Appeal Date:** Any action taken at the meeting must be appealed prior to 5:00 p.m. on Monday July 15, 2024.

**1. PLN21-160 BRICKYARD LANDING NORTH KILN DEMOLITION**

Description CONTINUED PUBLIC HEARING TO CONSIDER AN EMERGENCY REQUEST TO APPROVE A DEMOLITION PERMIT FOR THE NORTH KILN AT BRICKYARD LANDING ON THE REFERRAL OF THE ZONING ADMINISTRATOR. THIS ITEM WAS ORIGINALLY HEARD BY THE HISTORIC PRESERVATION COMMISSION ON APRIL 9, 2024.

Location 1223 BRICKYARD COVE LANE

APN 560-480-003; AND -013

Zoning PA, PLANNED AREA

Applicant BRICKYARD LANDING HOA (Owner)

Staff Contact HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**

Chair Pavlinec reopened the continued public hearing and called for the staff's presentation.

Planning Manager Hector Rojas provided a summary of the item which was before the Commission last on April 9, 2024 as an emergency request to demolish the north kiln. All three structures have sustained various levels of deterioration through the years. The applicant's structural engineer has determined that the north kiln poses an imminent threat to public health and safety. The City's Deputy Building official reviewed the information and concurs with the findings of the structural engineer and is requesting a conditional approval to demolish the north kiln. There was a hesitation from the Commission to make that approval at the last meeting due to a lack of information regarding the applicant's plans for the north kiln after the demolition, as well as plans for the south kiln and remnant chimney. The chimney has also come before the Historic Preservation Commission (HPC) on several occasions to reduce the height. The Commission's concern was it was being presented in bits and pieces versus one solid plan for the historic site. Item 2 on this Agenda is the reinterpretation plan for the structures which includes preservation of the south kiln, further reduction in height to the chimney, and reinterpretation of the north kiln.

Under consideration is the north kiln and whether it is an emergency threat, if it could be demolished because it represents an economic hardship for the applicant to rehabilitate and restore the full kiln. There is also an analysis of what the ongoing costs would be for rehabilitation or reconstruction of the building that can be found on Page 7 of the staff report.

Chair Pavlinec asked if there were questions for staff.

Vice Chair Caitlin Hibma inquired of the provisions for demolishing the kiln under the zoning code as related to the purview of the Commission. Planning Manager Rojas referred to Page 7 and explained the Commission would make a finding based on the consideration that the denial of the application would diminish the value of the subject structure or property so as to leave it substantially no value, the sale or rental of the property is impracticable infeasible uneconomic when compared to the cost of holding such property for uses permitted in the zone, and improvement of the property in a manner which would preserve its character defining features is impracticable, infeasible, or uneconomic. It begins at the bottom of Page 6 of 9 of the staff report. The municipal code information is found in the same area.

Commissioner Fatema Crane asked if approving the demolition based on economic reasons would change the California Environmental Quality Act (CEQA) exemption. Planning Manager

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Rojas responded he also included the provisions for any reasons based on a threat to public health and safety.

Chair Pavlinec inquired if any other CEQA provisions would apply.

City Attorney James Atencio added it would be the same exemption that would apply to either options.

The applicant's attorney, Linda Klein explained the reasons for the demolition and some of the reasons for the economic hardship. The amenities of the condominium development have been closed for fear of imminent collapse of the north kiln and the close proximity to these activities. Additionally, the findings for the renovation were completed prior to recent inflation and the cost for concrete alone has increased by 20% since the completion of the analysis. What was already deemed infeasible and uneconomical has raised another 20% for material alone.

Chair Pavlinec asked for questions of the applicant from the Commission.

Vice Chair Hibma asked what the status was of the surety bond for the previous demolition grant that the City issued. Planning Manager Rojas stated that in reviewing the minutes of previous meetings there seemed to have been obstacles for the applicants in obtaining the surety bond as most of the companies they contacted required plans for the rehabilitation or reconstruction and no plans were available. In reviewing the same minutes, it looked like the HPC were open to extending the deadlines until the applicant returned with a reinterpretation plan.

Vice Chair Hibma inquired about the enforcement procedures for conditions of approval for the construction activities. Planning Manager Rojas explained if there was a condition the HPC felt needed to be enforced, with that direction staff would enforce it. Vice Chair Hibma confirmed it was a condition of demolition which had already occurred. Planning Manager Rojas stated that was correct, however the condition was not required prior to the demotion, it was unclear as to if it were to happen before the demotion or afterward. That item came before the Commission two or three times and the conditions deadline was extended multiple times and expired. It was the Commission's intent to relax the enforcement of that condition until the applicant came back with a reinterpretation plan, which is Agenda Item No. 2 at this meeting.

Chair Pavlinec called opened public comment.

### **PUBLIC COMMENTS**

Steven Paskowitz, Boardmember of the Brickyard Landing Homeowner's Association (HOA), commented in favor of the project and expressed frustration that the process has taken as long as it has to remove the dangerous structure; they cannot wait additional months for the approval of the permits.

Chair Pavlinec responded that there were two subcommittee meetings that were quite long, and they made tremendous progress, most of which are on Item 2 and positive.

Chair Pavlinec closed the public hearing and brought the item back to the Commission for discussion/comments/action.

Commissioner Jonathan Haeber asked if it would be more useful to hear from the public on Agenda Item 2 and review the plans, prior to making an action on Agenda Item 1.

Commissioner Crane stated she objected to that.

Chair Pavlinec deferred to staff and the City Attorney.

City Attorney Atencio stated the Commission is in the middle of Item 1, a public hearing, and it's unusual that Item 2 was placed after the request to approve the demolition; and asked the applicant if they objected to continuing the item until the end of the meeting, the applicant stated

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they were okay with that.

Chair Pavlinec requested a motion to continue the item until after the HPC heard Item 2.

**ACTION:** It was M/S/C (J. Haeber/J. Pavlinec) to continue the item until after Agenda Item 2 is heard to allow the Commission to review the renovation/reconstruction plans for the project vote: 4-1-0-2 Ayes: Pavlinec, M. Hibma, C. Hibma, Haeber; Noes: F. Crane; Abstain: None; Absent: G. Stromberg, L. Hemmila

**2. PLN21-160 BRICKYARD LANDING PRESERVATION AND REINTERPRETATION PLAN**

Description PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED PRESERVATION AND REINTERPRETATION PLAN FOR THE BRICKYARD LANDING CHIMNEY AND KILN PROPERTY. KEY COMPONENTS OF THE TREATMENT PLAN INCLUDE: 1) PRESERVATION OF THE SOUTH KILN; 2) FURTHER DEMOLITION OF THE CHIMNEY TO AN APPROXIMATE HEIGHT OF 16 INCHES; 3) RETENTION OF THE NORTH KILN FLOOR AND SUBGRADE; 4) INSTALLATION OF A CONCRETE BENCH TO REFLECT THE NORTH KILN; 5) ESTABLISHMENT OF A VIEW CORRIDOR FOR THE SOUTH KILN; AND 6) INSTALLATION OF INTERPRETIVE SIGNAGE ALONG THE BAY TRAIL.

Location 1223 BRICKYARD COVE LANE

APN 560-480-003; AND -013

Zoning PA, PLANNED AREA

Applicant BRICKYARD LANDING HOA (OWNER)

Staff Contact HECTOR ROJAS Recommendation: **CONDITIONAL APPROVAL**

Planning Manager Rojas provided the staff report and explained that this item is a request to approve the applicant’s plan to preserve the Brickyard Landing south kiln; further demolish the remnant chimney; and reinterpret the north kiln. Key components include preservation of the south kiln, further demolition of the chimney to approximate height of 16-inches, retention of the north kiln floor and subgrade, installation of a concrete bench to reflect the north kiln, establish a new visual corridor for the south kiln, and interpretive signage along the Bay Trail. The applicant is also proposing to give away some of the historic bricks that are being stored on the property. There are 9,800 bricks with “Richmond” stamped on them, the rest are plain. Some three thousand of the stamped brick will be given away to community members and civic organizations who are interested, the rest will be tied into the project. A subcommittee of the Commission met three times and part of what came out of those meetings is that the north needed to retain some verticality.

Chair Pavlinec called for questions for staff.

Commissioner Michael Hibma inquired about Controlled Density Filled Material (CDFM). Planning Manager Rojas explained it’s a lightweight concrete fill material.

Chair Pavlinec called for the applicant’s presentation.

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Mark Hulbert, Historical Architect, gave the applicant's presentation and believed the three subcommittees had positive results for both sides meeting in the middle to gain traction on the project. The Chimney is being proposed to stay 16-inches height as that will end up being a sitting bench for community members to sit and reflect the historical significance of the project. The cap on the 16-inch chimney will be a checker plate steel made for this type of application. The interpretation plan was described well by Planning Manager Rojas who's done a fantastic job working with all parties on this project and helping to bridge an understanding. There will be two new signs, a third sign currently exists on the Bay Trail. The two additional signs will be at each access point to the south kiln. One will focus on the changes made, the other will take an aerial shot of the property and interpret the details of the site from the beginning through completion of the project in 2025. The existing sign on the Bay Trail details the history of the original factory. The Richmond stamped bricks will be repurposed in the community. The applicants are ready to move forward and hope that this is a plan that works for all parties.

Chair Pavlinec inquired if Mr. Hulbert received the email with the suggested additional conditions from Bruce Beyaert who is connected with the Bay Trail project. Mr. Hulbert stated he did receive the email, they are taking the message seriously and want to work with them, currently they are unaware of what the agreement was for the Bay Trail sign. More research will need to be done. The landscape part of it is easy, the bigger question is who's purview the sign falls under and what current legal agreements are in place.

Chair Pavlinec and Planning Manager Rojas explained that Bruce Beyaert is the Chair for the Trails for Richmond Action Committee (TRAC), and he is requesting two more conditions of approval for the existing and interpretive sign on the trail that TRAC created in 2005 and the two new signs. The ones on the residential site are being maintained by Seacliff HOA but the sign for the kilns on the Brickyard Landing property is an orphan without any party responsible for its upkeep and replacement in-kind, when needed. The second condition is conducting tree limb and hedge maintenance to unblock the view corridor of the southern kiln from the existing interpretive panel as shown by photos he supplied.

Mr. Hulbert commented that Mr. Beyaert never approached the Brickyard Landing with his requests and while they are not against working together to find a resolve, he can not commit one way or another without a full understanding of the legal ramifications.

Michael Carnall, of the Brickyard Landing HOA, asked if the two conditions would demand the two additional signs be maintained by Brickyard Landing. Planning Manager Rojas explained the two new signs would be the responsibility of Brickyard Landing, the third sign on the trail is the sign in question.

Planning Manager Rojas recapped that it sounded like Brickyard landing would be open to working with TRAC to reach agreement, material information is needed to determine what type of maintenance would be involved.

Mr. Carnall stated their intent with the signs was to carry forward the information through completion of the project, the landscaping needs are not an issue as Brickyard Landing already agreed to maintain the landscape in and around the kiln site.

Commissioner Crane requested the applicant describe the scope of implementing the plan. Mr. Hulbert explained it would begin with the potential removal of the north kiln. The second phase would be acquiring permits for the remainder of the work with a goal to have completed in 2025. Once the demolition of the north kiln can take place, there will be permitting required for the rest of any building/construction.

In response to Chair Pavlinec's question whether he would be creating the drawings, Mr. Hulbert indicated they would be utilizing the engineer's drawings.

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Commissioner Hibma inquired about the view corridor and the hedge between the driveway and if it would be lowered. Mr. Hulbert stated it would be lowered to three feet.

Chair Pavlinec confirmed the applicant was okay with having the hedge, Mr. Hulbert stated his interpretation is that it is sequential, and they are inviting the community to view the project from the front, additional landscaping maintenance on the hedges would not be that big of deal.

Commissioner Hibma asked if the checker board steel cap for the chimney is the same as diamond plate steel, Mr. Hulbert confirmed they are the same, the checkered plate was chosen to mitigate a slippery surface when wet. Commissioner Hibma suggested adding a friction surface on top.

Commissioner Hibma questioned the City Attorney if the signage is on their property, does that presume responsibility. Mr. Atencio replied that is correct.

Chair Pavlinec suggested the laminate also likely deteriorates.

Commission Hibma commented that should the north kiln be torn down, that is going to increase the number of bricks substantially and inquired what would happen to those. Mr. Hulbert stated those would be disposed of, they indicate in the plan that there will be no further salvage, the same applies to the rough bricks that are in the bags.

Chair Pavlinec asked if there is a lip or overhang on the bench. Mr. Hulbert explained there would be a straight bench. Chair Pavlinec suggested a lip or overhang would help protect the bricks from weathering.

Commissioner Haeber asked if the north kiln would be filled in prior to capping off. Mr. Hulbert answered it would not as the bricks do not have any structural instability. The idea is to keep the masonry floor, they won't know the condition of it until it's revealed.

Commissioner Haeber inquired when the final aerial would be shot; Mr. Hulbert stated not until completion.

Chair Pavlinec expressed concern that there is not an aerial shot of what was most recently there. Commissioner Haeber stated he believed from the original condition of approval they would do a full documentation once it was completed. Mr. Hulbert stated there was a scan.

Chair Pavlinec stated a good shot of the original imagery is more what they would like to see.

Commissioner Haeber stated that most people would likely want to see a good shot of what it used to be rather than what it is now.

Chair Pavlinec stated there is a majority of the Commission that would rather see imagery of what it was.

Vice Chair Hibma commented that if they go to the UC Santa Barbara Library in their geospatial collection there is an aerial picture from 1938 that could be useful, in the text that reads 'circa 1960 or earlier' you could go back as far as 1938 as the date. It would be nice to take the date back as far as possible. In terms of the three signs, the current sign is redundant of the two signs that are being created and it clutters up the site, she would be happy with removing it all together. In the new signs the images need to be credited.

Commissioner Crane inquired if the HOA had already approved the funds necessary to execute the project. Mr. Hulbert stated not yet, they are waiting, but they have high quality buy in.

Mr. Hulbert asked Steven Paskowitz if the HOA was in a position to approve the project.

Mr. Paskowit stated they were, they were waiting for Commission approval for a project prior to getting dimensions and material costs budgeted.

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Chair Pavlinec asked how long the bricks would be kept and advertised to allow community members to know they are available. Commissioner Haeber stated there are a number of ways to build an avenue for getting the word out. Planning Manager Rojas stated they could also advertise it on the City's website.

Commissioner Hibma inquired if the project is approved, and the costs prevent it from being completed what is the recourse from getting it done. Planning Manager Rojas stated if the project becomes cost prohibitive, the HOA will return to the Commission for another discussion.

Mr. Atencio, Attorney, stated that would be the case in any permit that was issued. It could return for a modification request by any applicant, that is not anything unusual.

Chair Pavlinec opened the Public Hearing and opened the item for Public Comment.

### PUBLIC COMMENT

Michael Carnall commented about the history of when he came before the Commission with plans for the chimney and the Commission requested plans for the entire site. That work has now been done; his hope was the Commission would approve the project. The HOA wants to get started and get it completed.

Paul Wright agreed the HOA has been at this project for quite sometime and he wanted to assure the Commission that they are not going into the project blind, they've been talking to contractors about the work required on the south kiln, demolition contractors and more and they are prepared to complete the project. The residents were positive about the ideas when presented to them in recent months, they are ready to complete the work.

Chair Pavlinec asked if the Town Hall with the residents included the current plans, Mr. Wright answered it did not, they are planning to have another Town Hall after the plans have been approved by the Commission.

Mr. Hulbert requested the chance to speak and stated the north kiln demo was prompted by an independent engineer, not the Brickyard Landing. The HOA followed through with the City's building department and were before the Commission in good faith.

Chair Pavlinec closed the Public Hearing and brought the item back to the Commission for discussion and a motion.

Commissioner Hibma thanked the subcommittee and staff and the applicant for producing a plan that is a good compromise.

Vice Chair Hibma agreed that compromise is a good word and despite initial poor communication the last couple of subcommittee meetings were good collaborations and went in positive directions and felt like this had reached a good compromise and the best outcome they could have reached.

Chair Pavlinec agreed that all parties seemed to walk away from the subcommittee meetings positive about the direction that was taken and what has been accomplished. She appreciated the work of all involved to help resolve the outcome of the April Commission meeting.

Chair Pavlinec did a round table of what would be a reasonable time limit to submit plans for the permits based on Commissioner Crane's concern for dragging the project out.

Chair Pavlinec suggested adding a condition for the applicants to talk to TRAC about the potential elimination of the current sign.

<p><b>ACTION:</b> It was M/S/C (C. Hibma/J. Haeber) to approve the Brickyard Landing Preservation and Reinterpretation Plan with the Conditions of Approval recommended by staff and amending the</p>
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second condition to include the applicants have 180 days to apply for building permits from the date of approval; and adding the four additional Conditions: 1) The signage includes a historical image of the site prior to reconstruction and rectification of historical dates; 2) The usable bricks be kept through the period of the construction of the interpretive project and there be advertisement for community members to know they are available; 3) Everything in the interpretive plan will be maintained and/or replaced if deterioration or damage occurs; and 4) The Brickyard Landing HOA presents a plan to TRAC for the retention or removal of the current existing signage, vote: 4-1-0-2 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: Crane; Abstain: None; Absent: Stromberg, Hemmila

### Continuation of Item 1:

Chair Pavlinec summarized that the Public Hearing on Item 1 was closed and is now back for Commission discussion or motion.

Commissioner Haeber commented that his hope is they can save the floor and if they cannot, he'd like to see the applicant use the bricks for the floor, if possible, it may be a good addition for the Conditions of Approval for the applicant to retain the existing bricks for future use in the interpretive plan if possible.

Mr. Hulbert responded that if not all the bricks are removed by community members who want them, their plan is to repurpose the ones currently saved throughout the Brickyard Landing landscaping.

Commissioner Crane commented that through her years of living in the area she's seen the removal of many cultural resources that the local government may not have had control or influence on. She is disheartened that they are losing this cultural resource at the hand of the HPC's approval, and it's been pieced together such that it's exempt from environmental review. She appreciates the Commission and subcommittee's work, however felt that the Commission missed an opportunity years ago to reach a compromise without having to demolish the kiln.

Chair Pavlinec replied that this has been a project that has been wrought by problems since 1981 and prior in the way it was handled, and it made it very difficult for the applicants and the Commission. It's a lesson to carefully monitor conditions of approval, average citizens don't consider a chimney will fall one day. She recalled when this first came to this Commission, and they felt historic analysis needed to be completed. It played out as best it could with all the problems that plagued everyone on the project.

**ACTION:** It was M/S/C (J. Haeber/M. Hibma) to approve the Emergency Demolition Permit of the North Kiln of the Brickyard Landing with the staff recommended Conditions of Approval updated to use as many of the bricks as possible in the interpretive plan vote: 4-1-0-2 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: Crane; Abstain: None; Absent: Stromberg, Hemmila

### Commission Business:

#### A. Review of the 2022-2023 Certified Local Government (CLG) Program Annual Report

Planning Manager Rojas reported that staff had submitted the CLG 2022-2023 annual report, and it has been accepted. Last year's report didn't include trainings the Commissioners have attended

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in past years, he made it a point to ensure that funding is available with the Community Development Director, and requested if the Commissioners attend any training on their own, they let staff know so that can be included in their CLG reports. Additionally, he requested updated resumes from the Commissions to submit to the State. T

The recent budget hearings with City Council approved the funds for another senior planner position. Planning Manager Rojas has a meeting set up with a candidate, part of his position would be working with the HPC items. There is still some follow up on that item. He's hoping the position will be filled in November or September.

Vice Chair C. Hibma noted for future reference the Commission membership professional discipline description for her should read Historic Preservation, not Preservation Architecture.

Commissioner Haeber commented he'd be happy to help with the Mills Act update in any way possible, including attending meetings if that is allowed.

### B. Commission member reports, requests, or announcements:

None

**Adjournment** - The Commission adjourned at 7:45 p.m.