City of FRESNO

REPORT TO THE HISTORIC PRESERVATION COMMISSION

AGENDA ITEM NO. VIA

HPC MEETING: 04/05/10

APPROVED BY

DEPARTMENT DIRECTOR

April 5, 2010

FROM: KEITH BERGTHOLD, Assistant Director
Planning and Development Department

BY: KARANA HATTERSLEY-DRAYTON
Historic Preservation Project Manager
Secretary, Historic Preservation Commission

SUBJECT: PURSUANT TO THE CITY'S CERTIFIED LOCAL GOVERNMENT AGREEMENT AND FMC 12-1606(12) REVIEW AND COMMENT ON THE NOMINATION OF THE FULTON MALL TO THE NATIONAL REGISTER OF HISTORIC PLACES AND PREPARE A REPORT AS TO WHETHER THE PROPERTY MEETS THE CRITERIA FOR LISTING ON THE REGISTER.

RECOMMENDATION

The Fresno Fulton Mall has been nominated to the National Register of Historic Places by a local nonprofit group (Downtown Fresno Coalition). The nomination is slated for consideration by the State Historical Resources Commission at its April 30th public hearing in Sacramento. The City's Historic Preservation Commission as a Certified Local Government under an agreement with the State and Federal government has a specific charge: "whether or not such a property, in its opinion, meets the criteria for the National Register." Staff has examined the draft nomination application, which appears to have failed to properly identify the owners of the Fulton Mall and has other technical defects, and the National Register criteria (as listed at 36 CFR Part 60) and finds that the Fulton Mall may meet the National Register criteria under both Criterion C as well as Criteria Consideration G, for resources less than 50 years of age. It should be noted, however, that the draft application form states that the Fulton Mall is being nominated only pursuant to Criteria C and G. For this reason, this staff report only addresses Criteria C and G.

Staff is concerned, however, that due to opposition by numerous property owners along the Mall and in deference to the Fulton Corridor Specific Plan process that is underway, the Commission may wish at this time to recommend against designation of the Mall. The Commission should adopt a resolution with its findings and recommendations and request that the Commission Secretary convey this recommendation by letter to the State Historic Preservation Officer via the City's Chief Elected Local Official, Mayor Ashley Swearengin.

EXECUTIVE SUMMARY

In 2007 a non-profit group, The Downtown Fresno Coalition (DFC), prepared a nomination of the 6-block long Fresno Fulton Mall (which includes the pedestrian mall treatments of Mariposa, Kern and Merced Streets) to the National Register of Historic Places and submitted it to the State Office of Historic Preservation (OHP) in Sacramento. The nomination was reviewed by OHP staff and was thereafter revised; a final "draft" copy was mailed to the City of Fresno on May 21, 2008. Following a series of public hearings organized by the City and the Downtown Association and held in late summer of 2008 the application was returned to the OHP due to technical inaccuracies regarding the actual ownership of the Mall. Although the City owns the infrastructure (the improvements on top), the property owners on each side of the Mall own the actual land "in fee" thus necessitating notification of all property owners. On February 24, 2010, the State Historic Preservation Officer (SHPO), Milford Wayne Donaldson FAIA,

notified the City and the City's Historic Preservation Commission of the intent to review and take action on the nomination at the April 30, 2010 public hearing of the State Historical Resources Commission. Staff has been informed that various public and private owners of parcels that make up the Fulton Mall have also been notified. However, City Staff has been unable to verify with the State Historic Preservation Officer that all of the property owners were properly notified as required under the Federal Regulations governing the nomination process. This alone is reason to defer or deny consideration of this nomination by the State Historical Resources Commission.

The applicants have nominated the 1964 Fresno Fulton Mall to the National Register of Historic Places as a "site" under Criterion C as well as Criteria Consideration G, for resources less than 50 years of age. The City is a Certified Local Government (CLG) under an agreement with the SHPO and the federal government, and thus the Historic Preservation Commission is asked to review the nomination and prepare a report as to whether the property meets the Criteria for listing on the National Register. The review of the Criteria is a separate issue from nomination. As an example, there are numerous resources within Fresno that undoubtedly meet the threshold for listing on the Local Register, however there may be economic constraints or property owner concerns that would lead staff, Commission and ultimately the City Council to recommend against actual designation of the property. The Commission's report should be presented to the City's Chief Elected Local Official (Mayor Swearengin) for transmission to the SHPO, along with the Mayor's comments.

BACKGROUND

The National Register of Historic Places was established by the United States Congress through adoption of the National Historic Preservation Act of 1966, as amended. The National Register (NR) is an "authoritative guide used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment" (36CFR60.2). Twenty-eight buildings in the Fresno area are listed on the National Register. Unless federal funding or a federal permit is used for a project that may cause an adverse affect, there is no real protection for a National Register property under federal law. A private property owner is not prohibited from "any actions" which he/she may take with respect to his/her property except as may be conditioned through a local ordinance. Benefits of listing include consideration of federal grants, use of tax credits (for income producing properties), heightened importance of historic resources in heritage tourism, and potential increased property values.

A property may not be placed on the National Register of Historic Places over the objections of the private property owner. If a majority of the property owners object to the listing of the Mall, it cannot be placed on the National Register. The State Historic Preservation Officer, however, is required to submit the nomination to the Keeper of the National Register for a "determination of eligibility" for the National Register. If the property is determined to be eligible it will be treated as a historical resource for the purposes of the California Environmental Quality Act (CEQA). Should the Mall be designated (or found eligible to the National Register) all projects on the Mall will be evaluated for their potential to cause an adverse change to the historic resource. Normal maintenance, replacing or repairing infrastructure in kind or even more dramatic changes are possible with minor environmental reviews. Larger changes, such as removing portions of the mall to be replaced with a street would require an Environmental Impact Report (EIR). Opening the Mall to traffic does not necessarily alter the physical condition of the Mall. An EIR that will analyze all aspects of downtown revitalization is in fact already under way as part of the Fulton Corridor Specific Plan, under the auspices of the Downtown and Community Revitalization Department. It

is the stated intent of the consultants and staff that the Mall, regardless of its designation, will be treated and analyzed as a historical resource during the two-year Specific Plan process.

The Fulton Mall is a 6-block long pedestrian mall in downtown Fresno that was designed by landscape architect Garrett Eckbo as part of an urban renewal plan authored by Victor Gruen and Associates. (1) The stated intent of the Gruen proposal was to "pave the way for the first early and successful accomplishment of total central area renewal" (Gruen and Associates quoted in *City of Fresno mid-century Modernism Historic Context* 2008:48). The Mall includes a mix of softscape (trees and plants) and hardscape (concrete, rock, wood and metal) with a variety of flower gardens, fountains and waterways, arbors, two playgrounds and nineteen pieces of modern sculpture and ceramics. The art was purchased for 1.3 million dollars and was spearheaded by the Downtown Association. Easily the most famous sculpture purchased for the Mall is *La Grande Laveuse* by Renoir. Garrett Eckbo worked with local citizens and their San Francisco consultant on the placement of the art. Several pieces and the mosaic-backed benches were commissioned specifically for the project. A 60-foot wood and fiberglass clock designed by Jan DeSwaart became the *axis mundi* and is situated in the center of the Mall in an open plaza that is often the site for festivals and social gatherings.

The Fresno Fulton Mall excluded vehicular traffic from the six blocks and the three partial cross streets, although a "people mover" shuttle was used in the early years. With the contemporary push for sustainability and pedestrian friendly cities, Gruen was perhaps strongly influenced by traditional patterns of European urban planning in his vision for "taming the automobile." The Mall was dedicated on September 1st 1964 and was widely acclaimed. As the *San Francisco Chronicle* noted: "Fresno is possibly 50 years ahead of most other American cities in solving its problems, by creating at its heart a shopper's mall and rebuilding its downtown" (*Ibid*). Initially the Mall was successful in boosting retail sales: from 1964 to 1969 downtown sales jumped from $44,676,000 to $53,258,000. However by the 1970s, Fresno's downtown once again went into a decline from which it has yet to recover.

Prior to the development of the Mall, Fulton Street, or J Street was the historic "Main Street" for Fresno and the Central Valley. Fulton Street was "cruised" by many San Joaquin Valley teens until its closure. Fulton Street had street cars in the middle of four lanes of automobiles. According to the Downtown Association's website: "Prior to the construction of the pedestrian mall, Fulton Street served as a busy thoroughfare, and was Fresno's main commercial corridor. Most of the area's large department stores and clothiers were located there, including Gottschalks, JC Penney, Rodder's, Coffee's, Walter Smith, Roos-Atkins, Berkeley's, Cooper's and many others. The street was home to a large number of mid-rise and hi-rise office buildings, constructed in the boom years prior to the Great Depression. Until 1939, electric streetcars of the Fresno Traction Company ran on Fulton Street, connecting residential areas to the heart of downtown. Just one block to the west sat Highway 99 (today Broadway Avenue), and two blocks away, the Southern Pacific Railroad Depot. To the east sat stately Courthouse Park and the Civic Center. With its central location, and dense collection of retail and commercial uses, Fulton Street was Fresno's "main street" and the heart of city."

According to the nomination: "Although Eckbo was commissioned to design a pedestrian mall to rescue Fresno's most important street for retail shopping, his own descriptions of the Mall, in keeping with this social philosophy, make it clear that he also envisioned the Mall as an inviting urban park." The Mall is important for the way it provides a venue for human interaction and social events and it continues to serve as an important site for formal public festivals ---many of them targeting specific ethnic communities--- as well as less formal social gatherings.

Criteria for Listing on the National Register:

The Criteria for listing on the National Register of Historic Places is found at 36 CFR Part 60: "*The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association*" and which meet one or more of the following Criteria of Significance:

A) Are associated with events that have made a significant contribution to the broad patterns of our history; or

B) That are associated with the lives of persons significant in our past; or

C) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D) That have yielded, or may be likely to yield, information important in prehistory or history.

What one should note is that the Criteria for Evaluation for the National Register first identifies "integrity," thus resources eligible must have both historic significance as well as integrity to their period of significance in order to be eligible for listing. Integrity is defined "as the ability of a property to convey its significance" (*How to Apply the National Register Criteria for Evaluation* 1997:44.) Integrity incidentally should not be confused with the condition of a property. Thus the paint may be peeling and the shutters hanging on a Colonial Revival style home, but if it still retains most of the architectural qualities that constitute that style, the home has "integrity" although it may be in poor "condition." The National Register program also recognizes "that all properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity (*Criteria* 1997:46.) It must be noted that the physical characteristics of the Fulton Mall are seriously deteriorated. Concrete patches, missing aggregate, numerous tripping hazards, severe discoloration, missing landscape and poorly functioning fountains will make restoration nearly impossible. Repairs to aged concrete already appear as unsightly patches.

In their nomination application for the Fulton Mall the Downtown Fresno Coalition has concluded that "Except for minor changes, the Mall exists as Eckbo designed it." Original wooden benches have been replaced by metal ones; one water feature has been converted to a planter, and light fixtures have been changed. Marc Treib, Professor, U.C. Berkeley and biographer for Garrett Eckbo, noted his delight and surprise when he visited the Mall a few years ago: "The water was running (quite surprising as water is the first to go), and the place looked remarkably intact and vibrant with the new sports stadium at one end" (Treib, personal communication 27 March 2010).

Staff find that an analysis of the facts indicate that the Fresno Fulton Mall retains integrity to its period of significance (1964). (Please note the difference between integrity and condition as described above.)

Evaluation Under Criterion C and Criteria Consideration G: The applicants have evaluated the Fulton Mall and have found it to have historic significance under Criterion C. In addition, due to the fact that the Mall is less than 50 years of age, they have also discussed its eligibility under Criteria Consideration G. The Mall is evaluated as a "site," with "site" defined in the National Register literature as *"the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value*

regardless of the value of the existing structure." This definition would appear to lead the applicant away from landscapes. However, the handbook lists "designed landscape" as one of many examples of a site.

The most fully developed argument in the nomination is for Criterion C with the theme, Landscape Architecture. Criterion C (quoted in full earlier) "applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering and artwork." Criterion C may apply to "a designed park or garden associated with a particular landscape design philosophy." It should be noted that the City of Fresno does not consider the Mall a park. The authors of the draft application have delineated three major reasons for eligibility under Criterion C:

1) As the finest example of pedestrian mall design resulting from the federal government's urban renewal programs of the early post World War II era;

2) As one of the major achievements of its designer, Garrett Eckbo who was a master and leading theoretician and practitioner of 20th Century landscape architecture;

3) As a fully realized expression of Eckbo's design philosophy, the Fulton Mall is an excellent example of the influence of Modernist design ideas on landscape architecture.

The Mall as the finest example of its type from post World War II urban renewal... The Mall was part of the City's Central Business District urban renewal plan designed by Victor Gruen and Associates. With the growth of cities following World War II the federal government developed initiatives for slum clearance and urban renewal. Some city leaders and urban planners looked to Victor Gruen, who had earlier invented the enclosed shopping center and who "saw the opportunity to pursue his efforts to 'tame the automobile' and revitalize the central city by creating downtown pedestrian malls" (*Nomination* nd). Gruen's first completed mall was in 1959 in Kalamazoo, Michigan. But his 1958 plan for Fresno came closest to his realization for transforming a downtown.

As a counterpoint, critics have suggested that the Fulton Mall project was not significant and therefore not the finest example of a pedestrian mall because it failed to achieve its stated objective: the long term revitalization of Fresno's downtown. Or as stated by one urban planner, why would we want to memorialize a failure? This question morphs easily into that of economic vitality: Is Fulton Mall to blame for the economic stagnation since the early 1970s of Fresno's downtown or were there other factors, including political decisions and suburban flight which led to its demise? To quote Fresno landscape architect Robert Boro: "I always considered the Fulton Mall to be a total bust in commercial and financial terms. Because the city permitted regional shopping centers with massive free parking at the doors, bungled the vehicular circulation downtown and charged for parking far from retailers, the once bustling center withered. (Boro, personal communication 30 March 2010). Without a doubt the vacancy rates on the Mall, particularly for the historic Classic Revival office buildings are perilously high. The Radin Kamp (J.C. Penney's) and Bank of Italy buildings are completely vacant; The TW Patterson Building has a 35% vacancy rate, the Mason Building an 83% vacancy, the Pacific Southwest and Helm Buildings are 90% vacant. Only the Mattei Building is 100% occupied (Elliott Balch, personal communication 30 March 2010).

As a major achievement of a Master, Garrett Eckbo... Criterion C includes recognition of the work of a Master, which refers to the technical or aesthetic achievements of an architect or craftsman (*How to Apply the Criteria*, 17). To qualify, the "property must express a particular phase in the development of the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft. A property

is not eligible as the work of a master, however, simply because it was designed by a prominent architect" (*Criteria*, 20).

With over a thousand commissions and twenty awards including the Medal of Honor in 1975 from the American Society of Landscape Architects, Garrett Eckbo qualifies as a "Master" in the field of landscape architecture. Eckbo graduated from U.C. Berkeley and the Harvard Graduate School of Design. With two fellow Harvard students he developed a Design Manifesto that was in part a response to the Beaux Arts formalism prevalent at the time in landscape design. This new approach integrated society, ecology and design. Early in his career Eckbo worked for the FSA during the Depression and World War II designing housing for migrant workers in the Central Valley; his work thus often embodies a strong environmental justice component. The Fulton Mall, according to the application, reflects his design philosophy and aesthetic by incorporating his three-dimensional and organic principles. It also is context sensitive to the agriculture and landscape of the San Joaquin Valley. The pavement concrete was stained an adobe color and is crossed with undulating ribbons of aggregate "to convey a sense of the texture and gentle gradations of the valley floor" (*Nomination*: 16). Eckbo's aesthetic theory "came to complete fruition in the Fulton Mall" (*Nomination, 20)*. According to Berkeley professor Marc Treib, the Fulton Mall remained one of Eckbo's favorite projects and the one of which he was most proud. In a recent e-mail Treib has reinforced Eckbo's status as a "Master" in his field: "Eckbo was the most important landscape architect in midcentury US" (Treib, personal communication 27 March 2010.) And to quote local landscape architect, Robert Boro: "I think the Eckbo mall is wonderful and unique in the world. The design, the flow, the fountains and planters, the paving patterns and the conversation areas are all unique in their time and beautifully integrated. The sculpture is world class and landmark to be certain" (Boro, personal communication 30 March 2010).

The Mall as an expression of Modernism... Eckbo helped to turn landscape design away from the more formal aesthetic of the Academy of Beaux Arts. His work was directly influenced by modern art principles, and he, in turn, included modern art as integral to the design of the Mall. Charles Birnbaum of the Cultural Landscape Foundation has observed: "The work he did on the Fulton mall exemplified a major shift in downtown urban planning. The Fulton Mall became a prototype for the way Eckbo treated urban spaces, with its integration of art and engineering... [which moved] the pedestrian mall beyond simply a street that is closed to vehicular traffic" (*Letter to the State Historical Resources Commission* 30 June 2008).

It is the opinion of the staff that the Fulton Mall meets Criterion C for Landscape Architecture.

Criteria Consideration G: Due to the age of the Fulton Mall (46 years in 2010) the Mall could be of "exceptional importance." "In justifying exceptional importance, it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties best represent the historic context in question" (*Criteria*, 42). In essence, one must be comparative.

Fulton Mall is the only pedestrian mall completed in accordance with Eckbo's design. According to Richard Longstreth, Professor of Architectural History at George Washington University: The pedestrian mall represents a major phenomenon in the US between the 1950s and the 1980s. This was one of the first to be executed, far more ambitious (and artful) than the first [at Kalamazoo, Michigan] (Longstreth, personal communication 29 March 2010). The applicant has further noted that Malls are rapidly disappearing. Critics would counter by saying that the Malls of the 60s and 70s are disappearing because they do not work, economically, as initially intended (see Exhibit G).

From the perspective of Criteria Consideration G, staff finds that the Fulton Mall meets the eligibility threshold.

Other Concerns and Questions: Through MindHub posts and public forums held in 2008, other issues have surfaced regarding the nomination of the Fulton Mall to the National Register. One particularly compelling question, which relates to the purview of the Historic Preservation Commission is this: How does the Fulton Mall impact designated resources on the Mall, such as the Bank of Italy Building (National Register/1917).? To quote in full one articulate post: "Does the layout of the Mall affect economic activity along it in a negative way? Do those economic effects contribute to higher vacancy rates in certain historic buildings? Do higher vacancy rates contribute to these buildings' deterioration? And if the answer to these questions is yes, are there ways to mitigate the economic impacts of one proposed historic resource (the Mall) in order to protect others (buildings) already on the register?"

Indeed, the vacancy rates for most of the historic office buildings on the Mall are abysmally high although other historic buildings (and non-historic as well) outside of the Mall are also vacant or nearly so. The Mall's impact to designated resources and the role it plays in downtown's economic revitalization are important concerns that will be addressed through the Fulton Corridor Specific Plan process. However, it is fair to note that two of the Mall's major historic buildings, The J.C. Penny Building and the Bank of Italy are both located on Tulare Street, which is open to traffic with parking available directly behind the Bank of Italy. But, it should be considered whether the closure of a main street can damage an entire historic downtown district. The overall lack of vitality downtown, however, is certainly a factor and a negative impact on historic as well as non-historic buildings.

Technical Issues with Nomination: It should be noted that the nomination, as presented to the Commission, still includes two mistakes that have not been corrected: 1) The property owner of the Mall is not only the City of Fresno (correct for infrastructure and improvements) but also the adjacent property owners who own the land under the Mall "in fee." 2) In Section 8, the applicants have not marked Criterion A although they have evaluated the Mall under both A as well as C. These errors have been brought to the attention of the Office of Historic Preservation staff, on two separate occasions.

Additionally, the notification of Fulton mall property owners appears to be inadequate; the property owner list doesn't seem to include all properties on the nominated area of the Mall, and in several instances the ownership and address are out of date. 36 CFR 60.6(c) states in part: "The list of owners shall be obtained from either official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of intent to nominate." We can identify at least one property (probably more) that changed ownership more than 90 days prior to the date of OHP's notification of the intent to nominate (2/24/10), but that change in ownership is not reflected on the list OHP provided. Therefore it would seem this list was compiled more than 90 days before notification of intent to nominate.

Conclusion: Staff, who meet the Secretary of Interior's Professional Qualifications, find that the nomination as provided for the Fulton Mall to the National Register of Historic Places meets eligibility for listing under Criterion C and Criteria Consideration G. The Commission should review the staff report and solicit testimony from the public. The Commission should consider whether 1) the Fresno Fulton Mall meets the threshold for listing under Criterion C; and 2) whether as a resource less than 50 years of age it also meets Criteria Consideration G as a resource of "exceptional importance." Commissioners are encouraged to make their own conclusions, upon presentation of evidence and testimony and any additional research they individually bring to bear.

The Commission may also wish to offer an opinion about whether actual designation of the Mall at this time is appropriate, or not. Several property owners along the Mall have officially registered their opposition to the designation. Staff is also concerned about the process recently initiated by the City for a comprehensive appraisal of the Mall vis-à-vis downtown revitalization through the Fulton Mall Specific Plan. Staff does not support actual designation of the Mall to the National Register at this time.

1) For a full reading of the description of the Fulton Mall, its development and the applicants' rationale for nominating it to the National Register, please see the nomination forms prepared by Harold Tokmakian AICP et al. Quotes that support or challenge the conclusions drawn by the applicants are culled from a variety of sources including numerous e-mails and MindHub posts from 2008, minutes from the Historic Preservation Commission meeting of June 23, 2008, informal minutes from the panel discussion hosted by the Downtown Association on September 28, 2008, the Planning Department's 2008 historic context on mid-century Modernism (prepared by Lauren McDonald) and recent e-mails from a variety of experts in the field of landscape design and architectural history.

Attachments:
- Exhibit A - "Historic Preservation Commission Review and Comment on the Nomination Of Fulton Mall to the National Register of Historic Places." Letter to Karana Hattersley-Drayton from Milford Wayne Donaldson, SHPO, February 24, 2010.
- Exhibit B - National Register Nomination for the Fresno Fulton Mall, DF Coalition.
- Exhibit C - Fact Sheet, National Register Nomination for the Fulton Mall, Prepared In 2008, Revised 2010 by Karana Hattersley-Drayton.
- Exhibit D - Minutes, Historic Preservation Commission Meeting 23 June 2008.
- Exhibit E - Notarized Letters of Support and Objection, Property Owners on the Fulton Mall. (Provided in spreadsheet April 5, 2010).
- Exhibit F - Letter to the State Historical Resources Commission from Charles Birnbaum 30 June 2008.
- Exhibit G *Pedestrian Malls*, Kennedy Lawson Smith, 1977.

Exhibit C

City of FRESNO

PLANNING AND DEVELOPMENT DEPARTMENT

Fact Sheet

National Register Nomination for the Fulton Mall

Prepared 3.2010 by Karana Hattersley-Drayton, Historic Preservation Project Manager

The 6-block Fresno Fulton Mall has been nominated by the Downtown Fresno Coalition to the National Register of Historic Places. The following attempts to answer many of the questions posed by property owners and the public, regarding the benefits and constraints of listing.

What is the National Register of Historic Places?

The National Register of Historic Places was established by the United States Congress in 1966. It is considered an "authoritative guide" for the identification of the Nation's cultural resources. There are 28 buildings in Fresno on the National Register.

What is the History of the Fulton Mall?

The Fulton Mall is a pedestrian Mall and urban park in downtown Fresno and was developed in 1964. It is six blocks in length (with three partial cross streets) and was designed by Garrett Eckbo for Victor Gruen and Associates, as the intended centerpiece for a transformation of Fresno's downtown area.

Why Was It Nominated for Historic Status? What were the Criteria for the Nomination?

The Fresno Fulton Mall was nominated under Criterion C of the National Register with the theme of Landscape Architecture as:

> *1) the finest example of pedestrian mall design from the 1960s; 2) as a major achievement of Garrett Eckbo, one of the leading landscape architects of the 20th century; and 3) as an excellent example of Modernist (post-World War II) design.*

It was also nominated under Criterion A, under the theme Recreation and Social History as an urban park and open space. Because the Mall is less than 50 years of age it must also meet the threshold under Criteria Consideration G, as a property of "exceptional importance." To prove this, it is imperative to provide comparative analysis with other pedestrian malls and landscape designs.

Who Prepared the National Register Nomination?

The nomination of the Fulton Mall was prepared by the Downtown Fresno Coalition, a private consortium.

Why Should Folks Care About This Nomination Anyway?

The Fulton Mall is a public space, held in trust by the City for the approximately 480,000 citizens of Fresno. In addition, the adjacent property owners along the Mall actually own the land "in fee" to the centerline. Property owners may be concerned about the impacts (positive or negative) which designation will have on their own interests.

What Are My Rights as a Property Owner?

All property owners adjacent to the Mall should have received a mailing from the California State Office of Historic Preservation. Every individual owner is entitled to one vote, regardless of how many people own a particular property, or how many buildings an individual owns. If a property owner favors the nomination, no official response is required. If a property owner objects, he/she must submit a notarized statement verifying their ownership and stating his/her objection. If a majority of private property owners object, the property may not be listed.

What are the Benefits of Being Listed on the National Register?

- *For buildings, historic designation allows use of the California Historical Building Code, which provides greater flexibility in meeting health and safety requirements.*
- *Property values normally are increased for historic properties.*
- *Historic sites are important in heritage and cultural tourism.*
- *National Register properties are eligible for special grants and funds.*
- *A designated historic property is protected under local and state law.*

What are the Constraints of Listing?

- *As a historical resource under CEQA (the California Environmental Quality Act), more procedures would be required to make significant changes to the Mall.*
- *All projects on or adjacent to the Mall would have to consider the potential for impact to the historical resource. Although heightened review would be required under CEQA, an EIR (Environmental Impact Report) would not necessarily be required for an individual project. Currently, the City is preparing a Specific Plan for the area that will include an EIR which analyzes the environmental impacts of any proposed changes.*

What Changes Would Be Allowed if the Mall Was Designated?

- *Generally, historic properties must use the Secretary of Interior's Standards, which are a set of best-practice guidelines. Normally one repairs or replaces in kind, but some more dramatic changes are also possible, as with the removal of an early addition to the Santa Fe Depot.*
- *Examples: a form of transit that does not require substantial alternations to the Mall would not trigger the need for an EIR; altering the Mall to accommodate auto traffic would likely require an EIR (or inclusion in the Specific Plan EIR).*

How Would NR Designation for the Mall Affect the Buildings Along the Mall?

- *Designation of the Mall would NOT extend to the buildings that line the Mall, only the urban park, its landscape features and infrastructure.*
- *It is unlikely that a rehabilitation project of a particular building would be affected.*
- *It is unclear whether a designation that would encourage keeping the pedestrian mall intact would negatively impact buildings on the mall by contributing to higher vacancy rates and discouraging rehabilitation and reuse.*

What are the Economic Impacts to Downtown Development?

- *The question of economic impacts is complex and multifaceted: How have pedestrian malls fared throughout the United States? Why is the Fulton Mall not economically successful now and how do we define "success."*
- *Are there compromise solutions that could allow listing and economic viability?*

What Happens Next?

On Monday, April 5th at 5:30 PM the City of Fresno's Historic Preservation Commission will hold a special meeting in the Council Chambers (2600 Fresno Street) to consider whether the Mall meets the criteria for listing on the National Register. The nomination of the Fulton Mall to the National Register is slated for consideration by the State Historical Resources Commission at its April 30th public hearing in Sacramento.

For more information: Karana.hattersley-drayton@fresno.gov (621-8520) or Elliott Balch (621-8366).

Exhibit D

REGULAR MEETING
FRESNO HISTORIC PRESERVATION COMMISSION

Monday, June 23, 2008 - 5:30 P.M.
City Hall, Conference Room A
2600 Fresno Street
Fresno, California 93721

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 5:33 P.M. by Don Simmons, Chair

Members Present:	Don Simmons, Ph.D.	Chair
	Molly LM Smith	Vice Chair
	Kevin Enns-Rempel	Commissioner
Members Absent:	Cam Maloy	Commissioner
	Michele Randel, AIA, CSI	Commissioner
Staff Present:	Karana Hattersley-Drayton	Preservation Project Manager
	Darrell Unruh	Planning and Development Manager
	Jack Van Patten	Planner II
	Cheryl Haroldsen	Recording Secretary

Karana Hattersley-Drayton introduced Mr. **Keith Bergthold**, Assistant Director, Planning and Development Department.
Andrea Galvin of Galvin Preservation Associates was introduced by staff as consultant for the North Park historic survey. Draft of survey will be reviewed at a future Commission meeting.

II. APPROVE MEETING MINUTES

Molly LM Smith moved to approve the Minutes for January 28, 2008, as amended, and February 25, 2008, as submitted, and Kevin Enns-Rempel seconded the motion to approve. The Minutes were approved 3 - 0.

III. APPROVE AGENDA

Molly LM Smith moved to approve the agenda as amended to include various items from staff and Kevin Enns-Rempel seconded the motion to approve the agenda. The agenda was approved 3 - 0.

IV. CONSENT CALENDAR

(All consent calendar items are considered by the Historic Preservation Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested, in which event the item will be removed from the consent calendar and considered following approval of the consent calendar.)
There were no items on the consent calendar and thus no action taken.

V. CONTINUED MATTERS

There were no Continued Matters.

VI. COMMISSION ITEMS

A. Election of Commission Chair and Vice Chair, to serve July-June.

Don Simmons Ph.D. and Molly LM Smith reelected to positions of Chair and Vice Chair, respectively with 3 – 0 votes.

B. Discuss and Make Findings on the Nomination of Fresno's Fulton Mall to the National Register of Historic Places.

1. Consider Staff Request to Invoke Protocol Outlined in Section 101(c)(2)(A) and (B) of the National Historic Preservation Act of 1966.

Karana Hattersley-Drayton indicated that the nomination of this six block urban landscape of public space to the National Register of Historic Places is a complex issue. The City Manager's Office has requested additional time to consider the issues, hear from all interested parties and consider the proposal in a thoughtful manner. And, as a Certified Local Government, the City is required to have adequate time for public input. She suggests the Commission adopt protocol as outlined and not support the nomination based upon inadequate time for full public comment. She further stated that objecting to the nomination tonight does not prejudice the Commission from hearing and supporting the nomination in the future. The Commission is charged with upholding the integrity of the whole process. The Commission's job is, simply, to support the Historic Preservation Ordinance as a fair and transparent process while honoring all viewpoints.
Kelly Riddle, City Manager's Office, indicated agreement with the previous statements. The City would like sufficient time to study the impact on the mall and the historic buildings within the affected area. The City would be irresponsible if it were to respond prior to the release of the final copy of the recommendations, which would probably be some time in November.
Harold Tokmakian, Downtown Fresno Coalition, and representing the applicant, 2721 E. Garland Avenue, provided that he had lived in the area for 58 years. He further stated the Coalition's intention to appeal if the Commission chose to follow staff recommendations. He asked if the Commission would act on staff recommendations only; or would receive testimony concerning the proposal's merits; and, if the discussed information would be forwarded.
Karana Hattersley-Drayton said the Commission could not and would not ever limit or disallow any comments.
Don Simmons stated that all information received by the Commission would be forwarded to the State of California. Staff was asked if the meeting minutes would be forwarded.
Karana Hattersley-Drayton indicated that a report crafted by the Commission could but would not necessarily have to include the meeting minutes.
Harold Tokmakian asked, hypothetically, if a continuance of tonight's testimony would be relevant or would be "de Novo."
Darrel Unruh answered "de Novo" unless a hearing was to be reopened. The nomination of the Fulton Mall is currently calendared for a July 25th hearing of the State Historical Resources Commission but would be automatically pulled if the Commission and Mayor objected. It is the Commission's prerogative; if they want to hear further testimony, oppose the Mayor, or, even request another hearing.
Kevin Enns-Rempel offered that the Commission should start with a procedural decision. The Commission's procedures and the merits of the urban park proposal are completely separate.

Harold Tokmakian, commented on staff recommendations regarding following protocol and then read from a handout he'd prepared.
He further stated the issue has been before the City since 2000; the Downtown Coalition wants to move this forward under the circumstances. The Coalition favors maintaining the Mall's unique architecture as the first registered pedestrian mall in the United States. In February of this year the Coalition membership discussed scheduling the hearing for April if the editorial requirements were met. In March, the City Council instructed staff to study how to proceed. And, then in June, the Coalition discussed postponement and on the 12th of June the members decided not to ask for a continuance as they have been struggling over the issue for many years – the implied or real threat to open the Mall to vehicular traffic. He referred to a study by the Urban Land Institute which indicated opening the Mall up would eliminate most of the urban trees. Consequently, they were persuaded to abandon the plan in 2002.
Gary Malazian, 2727 W. Bluff, believes the City's problem with Downtown began when they allowed the sprawl of suburbia. He asked why there is all this discussion regarding traffic in the Mall when the real problems have come from the City's rubber stamp policy allowing uncontrolled suburb growth when the major source of income for the valley has always been its farmland.
Mabelle Selland, representing the Downtown Coalition and Heritage Fresno, agreed with Mr. Tolkmakian. At a collection of public meetings regarding the Downtown Mall in 2007, where a vote was taken regarding allowing vehicular traffic, all voted against change. Garrett Eckbo designed the landscape and he was one of the most outstanding landscape designers of his time. There is no reason to delay this going to the State!
Joseph Moore, 11572 E. Eschelon, Clovis, CA, stated the application to the State just recently came to his attention. He believes it is significant to consider more than the consensus of past meetings and the questions of whether to allow or disallow traffic on the Mall is a different question. It is in the best interest of all to allow further discussion specific to listing the Mall. He commended the City for their thorough documentation. Proposed changes to the Mall should not be rushed into; the City has had the Draft for a while but the public has not had it. The Mall provides access and frontage to over 200 businesses and all are passionate about the historic properties located within the Mall. He would like a possible Historic District to be considered. More time will not damage anything and it is better to consider the specific application.
Frank _____, 19425 Tollhouse Road, provided that he was hired when the Mall was completed to assist with the installation of the incredible sculptures placed within the Mall. He has been associated with the Mall since its inception – more than fifty years now. Since he first started attending the meetings he has seen confusion regarding the time needed. He believes something about the Historic Register has the people spooked. Yes, it will affect the business owners located there but he believes they would be proud to have in on the register. Another problem seems tied to the conflict of preserving the area versus bringing back the Mall as a commercial center or entity. He would like to see the City concentrate on residential activity while recycling existing buildings. He recommended changing the name of the Mall to give a ring of "what used to be." He stated that the City has a history of trying to railroad ideas that haven't come to fruition. The best thing for the Mall would be to expand the green space, not necessarily the commercial space. He would like it to be matter of record that the public has had ample opportunity to speak to the issues.
Ray Ensher, 364 E. Vartigian, noted that at the dedication of the Mall it was acclaimed as a historic achievement. Over the years there have been many business meetings where vehicular traffic was continuously opposed. The Mall is an historic art and architectural area. All discussions regarding the downtown revitalization have concluded with a consensus that the

positive approach would focus on revitalization of the Mall; with affordable housing. We do not need more discussion; there has always been a lack of vision – only talk – with no action. The positive approach is to preserve all six blocks.
Darrell Unruh gave a summation of the discussion and then deferred to Ms. Riddle to elaborate.
Kelly Riddle clarified that the issue was not about traffic on the Mall; on this the public has already spoken. Does the public want the Mall and its public places to be on the Historic Register? This is not a run to put traffic on the Mall. We all need to know the facts and the City wants to make a decision in the best interests of the whole. The City Manager's Office is asking the Commission to allow response to the nomination. We want a complete and thorough study of the effects on the historic properties and on the historic community.
Harold Tokmakian added there has certainly been enough talk; since June 2007, virtually a year now. There is no point to taking the discussion further; it is scheduled to go to the State and there will be ample opportunity for more discussion there. If we believe the Mall represents the best of the City, let the State have a shot at it as that is the appropriate venue to make a decision.
Don Simmons interjected that other cities have provided information on the impact of registration in their area.
Kevin Enns-Rempel noted several other areas around the country with similar impact studies on pedestrian malls including Raleigh, NC, and Denver, CO, which opened their commercial outdoor Mall area to vehicles. We need to be able to see both sides. Research is significant in our situation. And, yes, the Commission knows about the process with the State but until the final report is approved by SHIPO, changes could be significant. The City is merely trying to research the potential impact.
Karana Hattersley-Drayton indicated the Mall needs to meet the criteria under "G" because it is less than fifty years old. This is the first time the Commission has looked at the Fulton Mall as a National Register nomination.
Kevin Enns-Rempel stated that it is a complicated issue with more than one issue of merit going on. One controversy that has not been discussed tonight is if the Mall should be on the National Register for Historic Places when it is already on the State's agenda. There needs be a standard of transparency for all. The Commission cannot respond to Drafts; but to the actual report. There are strong merits for further discussion and slowing of the process for going to the State. Also, it should be noted that the City hasn't planned any action for substantive changes to the Mall. Vehicle traffic, pro and con, is not relevant to the Commission's discussion.
Molly LM Smith added that, first and foremost, the Commission's duty is to make sure the public is informed and has their say. It seems the Commission has not had the opportunity to entertain a Register nomination – whether or not this delays going to the State until November. There is a clear timeline which includes it coming back to the Commission in October. She also wants to echo Kevin Enns-Rempel previous comments.
Don Simmons agreed and indicated that the Downtown Association has not had time to discuss a register nomination. There is no question that it should be nominated but there is also a need for full public comment. He does believe, however, there should be a cap on the timeline and that no significant changes should be made during the timeline.

On a 3-0 vote the Commission passed a resolution supporting the staff recommendation (to oppose nomination at this hearing, due to insufficient time for public review and comment), asked that a final decision on Fulton Mall NR nomination be concluded no later than October 2008 and requested that no work on the Fulton Mall be undertaken until the nomination issue is resolved in November 2008 (at the State Historical Resources Commission hearing in Sacramento).

VII. CHAIRPERSON'S REPORT

A. Propose Nomination of the Yezdan Home, 807 North Van Ness Avenue, to the Local Register of Historic Resources.

Don Simmons provided background regarding how the Yezdan Home came to the attention of the Commission. He became concerned when informed that a recent estate sale included pieces of the historic fabric of the home. Several items were actually sold, such as door knobs and cornices. He understands that the Commission can recommend properties for nomination to the Register and then the Council or the Director can nominate the property to the Local Register, even if it is over the objection of the owner. He is recommending this property to the Commission for consideration.
Karana Hattersley-Drayton stated the home is exceptional on the inside, like stepping back in time – with original wallpaper and more. It was with great alarm that staff learned of the estate sale that had price tags on pocket doors, chandeliers, and even the fireplace. Staff has been able to reach an understanding with the property owner not to strip the house.
Kevin Enns-Rempel interjected that normally the nomination would not include what is on the inside.
Karana Hattersley-Drayton provided that potential buyers have expressed an interest in the property and what is on the inside.
Don Simmons stated the neighbors love the home and are disturbed about the estate sale and what it included. He believes in this case, the Nomination should include what is on the inside as well as the outside since it is frozen in time to the 1920's.
Karana Hattersley-Drayton stated it would not be fair to expect potential buyers not to modernize the kitchen or baths.
Molly LM Smith added that it was somewhat unorthodox but the Nomination process should start with staff having conversations with the current owners. Karana noted that this is already taking place and that staff is trying to put potential buyers in contact with the owners in order to make it a win/win situation. The current prospective buyers would want a listing.

Commission on a 3-0 vote passed a resolution asking staff to contact property owner and to begin to prepare nomination of the property for the Local Register of Historic Resources.

VIII. UNSCHEDULED ITEMS

A. Members of the Commission.

None.

B. Staff

1. Request from Staff for Commission to Provide Direction on Bank of Italy (HP#123) Pursuant to FMC 12-1626(c) to Meet with Owner or Require Owner to Take Action Related to Minimum Maintenance.

Karana Hattersley-Drayton stated that the issue was whether staff had the authority to ask the property owners to "step up to the plate," and take responsibility for minimum maintenance sorely needed. This building, designed by R.F. Felchlin and Co. is on the Local and the National Register. Code Enforcement has had ongoing issues and in December of 2007, a Notice and

Order was issued for numerous violations. In May of this year, Councilwoman Sterling asked for a status report. Most recently there has been an unauthorized demolition of the interior fabric of the structure. The property owner was asked by the Fire Department to clean up piles of junk and rubbish which constituted an eminent fire hazard. An outside entity was hired to abate which became, possibly overzealous in their clean up efforts. An interior inspection is slated for the near future. The City Manager's Office is asking what can be done. Staff encourages the Commission to give direction to staff that can begin the process of levying large fines in hopes of motivating the owners. The property owner is not a good steward and the City Attorney's Office is currently developing protocol for fines to be issued through the Commission.
Kevin Enns-Rempel said that, at present, it is a fake threat. The City Attorney should speedily move ahead in giving our Ordinance some real teeth. Only then can we pursue errant property owners.
Karana Hattersley-Drayton stated that at present the strongest action the Commission can take is to impose minimum maintenance standards. She suggests the Commission draft a letter requesting the owner take positive action and that the problem be brought again to the July Commission meeting for review. It is to the City's benefit to be in front of the process.
Don Simmons said that unfortunately, timelines can be ignored. When there is a stick – it tends to make the property owner take notice.
Joseph Moore discussed the numerous photos indicating damage beyond repair to the building. Code Enforcement told the company doing the abatement to stop since demolition was taking place on the building itself during the abatement, leaving it open to the elements and vagrants. The City has asked for a status report to Council. At this point there are only limited options with the owner. Vacant building receivership is an option; a process whereby the court appoints a receiver to step in and manage the building, facilitating various repairs and the eventual sale of the property. The City Attorney has looked into this option but hasn't been able to identify any potential receivers in Fresno due to the present economy. An aggressive approach to the Mills Act is the best alternative with credits for the property owner who maintains their properties and has been shown to achieve positive results over the long term. He supports efforts to show a stick within the process.
Kevin Enns-Rempel encourages this approach. He believes it is ludicrous to think "repair or demolish" are equal alternatives.
Chris Johnson questions the approach which would consider demolition as the solution if there is no positive response to the stick. Demolition is not the option – it is preservation with minimum maintenance standards as needed. Demolition by neglect needs to be staved off as it is not an option.

On a 3-0 vote the Commission asked staff to initiate protocol as outlined in the Minimum Maintenance standards of the FMC, to request City Attorney's help in developing the protocol to ensure that provisions of the Ordinance (regarding up to $10,000 in fines) are enforceable, and to request a future presentation by City Attorneys on the possibility of a receivership program for historic buildings.

C. General Public
None.

IX. NEXT MEETING: Monday, July 28th, 2008, 5:30 P.M., in Conference Room A.

X. ADJOURNMENT

The meeting was adjourned at 7:45 P.M.

Attest: _____ **Attest:** _____

Don Simmons, Ph.D., Chair **Darrell Unruh, Secretary**

Sample Exhibit E

March 24, 2010

Milford Wayne Donaldson, State Historic Preservation Officer
Office of Historic Preservation
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Re: Objection to Listing of Fulton Mall, located in Fresno, California, on the National Register of Historic Places

Dear Mr. Donaldson:

I understand that the State Historic Preservation Commission will be considering whether to approve the nomination of the Fulton Mall at its April 30, 2010 meeting.

I am the owner of a fee simple interest in property bounded by the Fulton Mall. The properties in which I have a fee simple ownership interest are identified in the table below. As owner of property bounded by the Fulton Mall, my fee simple interest extends to the center line of the Fulton Mall within the frontage of my property, pursuant to California Civil Code, section 831.

This letter is to state my **objection** to the listing of the Fulton Mall in Fresno on the National Register of Historic Places (as well as to the California Register of Historical Resources and the City of Fresno's Local Register of Historic Resources, as applicable).

I have a fee simple ownership interest in the following properties bounded by the Fulton Mall:

Fresno County Assessor's Parcel Number	Site address	Ownership: partial or sole	Legal owner(s)
466-213-03	1035 Fulton Mall	50%	ELENA M. OCHOA

Thank you for considering this letter in determining the eligibility of the Fulton Mall for the National, State, and Local Historic Registers, as applicable. I can be reached for any questions as follows:

Name	ELENA M. OCHOA
Mailing address	1772 W. STUART AVE
City, State, ZIP	FRESNO, CA 93711
Telephone number(s)	559-240-4432
Email address	EANDFAR@HOTMAIL.COM

Sincerely,

Elena M. Ochoa 03/24/10

SIGNATURE DATE

c: City of Fresno Historic Preservation Commission

State of California)
County of Fresno)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On March 24, 2010 before me, Daryl L. Balch, Notary Public,
(here insert name and title of the officer)

personally appeared Maria Elena Miranda Ochoa aka Elena M. Ochoa,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

NRO1 DARYL L. BALCH COMM. #1844963 Notary Public · California Fresno County My Comm. Expires Apr. 16, 2013 NRO1

Signature

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document

titled/for the purpose of _____,

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-Fact
- ☐ Corporate Officer(s) _____ Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____ Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
○ form(s) of identification ○ credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐ _____

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Sample, Exhibit E

March 24, 2010

Milford Wayne Donaldson, State Historic Preservation Officer
Office of Historic Preservation, California Dept. of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Re: Support for Listing of Fulton Mall, located in Fresno, California, on the National Register of Historic Places

Dear Mr. Donaldson:

We understand that the State Historic Preservation Commission will be considering whether to approve the nomination of the Fulton Mall at its April 30, 2010 meeting.

Jessie H. Manning Trust (hereinafter referred to as "the Entity") is the owner of a fee simple interest in property bounded by the Fulton Mall. The properties in which the Entity has a fee simple ownership interest are identified in the table below. As owner of property bounded by the Fulton Mall, the Entity's fee simple interest extends to the center line of the Fulton Mall within the frontage of my property, pursuant to California Civil Code, section 831.

The Entity has authorized me to execute and send this letter setting forth the Entity's **support** for the listing of the Fulton Mall in Fresno on the National Register of Historic Places (as well as to the California Register of Historical Resources and the City of Fresno's Local Register of Historic Resources, as applicable). The Entity has a fee simple ownership interest in the following properties bounded by the Fulton Mall:

Fresno County Assessor's Parcel Number	Site address	Ownership: partial or sole	Legal owner(s)
	928 Fulton	partial	Jessie H. Manning Trust

Thank you for considering this letter in determining the eligibility of the Fulton Mall for the National, State, and Local Historic Registers, as applicable. I can be reached for any questions as follows:

Name	Philip Hollingsworth
Mailing address	P.O. Box 5461
City, State, ZIP	Fresno CA 93755
Telephone number(s)	222-4470
Email address	

Sincerely,

SIGNATURE DATE

PRINTED NAME TITLE

c: City of Fresno Historic Preservation Commission

State of California)
County of Fresno)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On March 24, 2010 before me, Daryl L. Balch, Notary Public,
(here insert name and title of the officer)

personally appeared Philip Hollingsworth

,

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/the~~y~~ executed the same in his/~~her~~/th~~eir~~ authorized capacity(ie~~s~~), and that by his/~~her~~/th~~eir~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DARYL L. BALCH
COMM. #1844963
Notary Public - California
Fresno County
My Comm. Expires Apr. 16, 2013
NRO1 NRO1

Signature

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

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The preceding Certificate of Acknowledgment is attached to a document

titled/for the purpose of _____

_____,

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-Fact
- ☐ Corporate Officer(s) _____
  Title(s)
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

_____.

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
○ form(s) of identification ○ credible witness(es)

Notarial event is detailed in notary journal on:
Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐ _____

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The Cultural Landscape Foundation
1909 Que Street NW, Second Floor, Washington, DC 20009 (t) 202.483.0553 (f) 202.483.0761

Exhibit F

June 30, 2008

Donn Grenda, Ph.D.
Chairperson, State Historical Resources Commission
Office of Historic Preservation
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

RE: NOMINATION OF THE FULTON MALL, FRESNO, FRESNO COUNTY, CA TO THE NATIONAL REGISTER OF HISTORIC PLACES

Dr. Grenda and Commissioners:

The Cultural Landscape Foundation (TCLF) is pleased to have the opportunity to prepare a letter of support for the nomination of Fulton Mall in Fresno, California, to the National Register of Historic Places. Designed by celebrated urban planner Victor Gruen with landscape architect Garret Eckbo, Fulton Mall was completed in 1964 as the first pedestrian mall in the country during the infancy of the then "'new' discipline called urban design" (*Design on the Land: The Development of Landscape Architecture* by Norman Newton).

Victor Gruen Associates had already gained notoriety as the lead firm on the 1956 city plan for the city center of Fort Worth, Texas. Though the plan was never instituted, it opened the discourse for contending with the new face of urbanism after World War II. In response to the negative affects of the country's intensified post-war car culture, the Fort Worth plan called for removing the vehicular traffic from the downtown areas in order to separate the high-speed traffic from the meandering pedestrians. This idea of removing automobiles from such areas was furthered in the mind of Californian's when the Long Range Development Plan for the University of California at Berkeley by landscape architect Thomas Church was adopted and well published in 1962. It was with this idea of giving the street back to pedestrians that Fresno's downtown merchants advanced the plan for Fulton Mall by Victor Gruen Associates and Garret Eckbo in the early 1960s.

While Gruen and Eckbo's full design was never implemented, the pedestrian mall on Fulton with cross streets Merced, Mariposa, and Kern opened in September 1964. Along with Ghirardelli Square in San Francisco, the Fulton Mall is one of West Coast's pioneering urban planning initiatives of valuing the past by "recycling" historic buildings while creating a landscape setting that was both festive and Modern. All the more astonishing is that this work

predates the Historic Preservation Act of 1966. In particular, at Fulton Mall the play sculptures and water features were designed specifically for the site and are thoroughly modern within their historic building context. Furthermore, as both were completed in the mid-1960s, they became tremendously influential within the profession and acted as the catalyst to a wave of pedestrian malls as cities sought to lure people back to the downtown. Other key examples followed closely including Nicollet Mall in Minneapolis (1967) and the Sasaki Associates project for New Haven (c.1967).

Moreover, Fulton Mall became a prototype for the way Eckbo treated urban spaces. In his book, *Urban Landscape Design* (1964), Eckbo expresses that the design, with its integration of art and engineering, would be the first step to move the pedestrian mall beyond simply a street that is closed to vehicular traffic. He states: *"The Fresno Mall will overcome the limitations of the street it will replace, while taking advantage of the desert hothouse climate of California's Central Valley."* He goes on to describe in great detail the thought process behind many of the design features. For instance, he explains that the tree pattern, comprised of both deciduous and evergreens, is continuous but irregular and when coupled with the pergolas, are meant to shade pedestrians during the hot summer months. Similar forethought is given to the water features, sculptures, smaller plantings, benches and other furniture. The work he did on the Fulton Mall exemplified a major shift in downtown urban planning. In fact, he felt so strongly about the design that he chose to include it as the opening image in his book *The Landscape We See* (1969).

Fulton Mall is not only the first outdoor pedestrian mall in the country, but unlike many others (exceptions include the Pearl Street Mall in Burlington, Vermont, and the Charlottesville Mall in Virginia, both ca. 1976) it has stood the test of time. Although today large department store chains no longer anchor the Fulton Mall, it has become a cornerstone for the community's small businesses – which Garret Eckbo, upon returning to the mall decades later, was pleased and delighted to see had been so adopted by the local community.

We strongly encourage the State Historical Resources Commission to look firmly upon this opportunity to honor and preserve Gruen and Eckbo's early revolutionary project to promote high-quality, thoughtful, and integrated urban core planning. Please do not hesitate to contact TCLF if you have any questions that we may be of assistance with.

Sincerely,

Charles Birnbaum, FASLA, FAAR
Founder + President, The Cultural Landscape Foundation
202.483.0553 charles@tclf.org

cc: Ray McKnight
Karana Hattersley-Drayton

Exhibit G

Excerpted from: Goldfield, David, ed. (2007). *Encyclopedia of American Urban History*. Thousand Oaks: SAGE Publications. ISBN 0-7619-2884-7 or 988-0-7619-2884-3 (cloth) (2 vols).

Pedestrian Malls

Kennedy Lawson Smith
The Community Land Use and Economics Group, LLC
www.cluegroup.com

In an effort to bring shoppers back to older downtown areas and better manage downtown traffic congestion, several hundred towns and cities in the United States converted their main streets into pedestrian malls in the 1960s, 1970s and 1980s, following the lead of Victor Gruen's partially implemented traffic management plan for downtown Kalamazoo, Michigan. With the exception of cities with large concentrations of workers, students or residents in the downtown area, the experience was largely unsuccessful, and most communities have now partly or completely returned their pedestrian malls to vehicular traffic. The experience has been somewhat different in Europe, where downtowns generally have a higher concentration of workers and residents, are better served by public transit, and offer a wider range of retail goods and services.

For millennia, central business districts developed at the intersection of the two busiest streets in town. Retail businesses need visibility and traffic, and clustering around the intersection of the two busiest streets generally ensures both. But, with the rapid growth of the highway system in the United States following the passage of the Interstate Highway Act of 1956, the two busiest streets shifted from the central business district to the Interstate highway exit. Enclosed shopping malls quickly took root at the new crossroads, displacing retail activity from the city center. Enclosed regional shopping malls made it easy for national retailers to sell a relatively homogeneous product to demographically homogeneous consumers, spurring growth of chain stores and draining business away from city centers, triggering a chain reaction of disinvestment: deteriorating buildings, increasing vandalism, declining tax revenue.

The enclosed shopping mall had precursors, of course – places like Country Club Plaza in Kansas City, Kansas and Suburban Square in Ardmore, Pennsylvania. These shopping centers physically resembled traditional downtowns – multi-story buildings, zero-setback, upper-floor tenants –

although they differed from them in their single property ownership, centralized management, and predominance of national chain retailers. Enclosed malls shared these management and ownership characteristics but looked physically different: monolithic, surrounded by parking, with an enclosed pedestrian plaza trimmed with benches, plants and other amenities. And they had one purpose: retailing.

The development of shopping malls were, of course, just one symptom of the nation's rapidly increasing use of automobiles. Downtown traffic problems were another symptom. Downtowns were poorly equipped to handle the volume of traffic jamming the highways after World War II, and many city leaders believed this was the root of downtowns' decline.

Looking for a solution to the downtown traffic problem, architect Victor Gruen proposed a pedestrian mall for downtown Kalamazoo, Michigan (coincidentally, Gruen also designed the first enclosed shopping mall – the Southdale Mall, in Edina, Minnesota, just a few years earlier).

Although several other communities claim to have been the first in the United States to have converted their main streets into pedestrian malls, Kalamazoo's is the earliest, begun in 1958 and completed in 1959. Gruen envisioned Kalamazoo's pedestrian mall to be just one part of a larger plan he designed to make the downtown area more conducive to automobile traffic. His plan also included a ring road circling the downtown and routing traffic into peripheral parking lots from which people could then stroll through the pedestrian zone, a design much like that of his native Vienna's *Ringstrasse.*

But Kalamazoo ultimately implemented only the pedestrian mall, at a total cost of $60,000. While Gruen was said to have been bitterly disappointed when only the pedestrian mall portion of his Kalamazoo plan was implemented, other designers and civic leaders latched onto the pedestrian mall, believing that emulating the physical form of a shopping mall – uniform façades, plenty of parking, and a large pedestrian space – would make the downtown economically vibrant again. Over the next several decades, several hundred other towns and cities in the United States followed Kalamazoo's lead, closing their main streets wholly or partly to vehicular traffic and creating pedestrian spaces.

Most of the pedestrian malls built in the United States in the 1960s and 1970s were funded with a blend of public- and private-sector money. In Raleigh, North Carolina, for example, property owners agreed to help finance Fayetteville Street's conversion to a pedestrian mall by paying an assessment of 12 cents per $100 of property value. Some, like the Church Street

pedestrian mall in Burlington, Vermont, were supported by the Federal Highway Administration's Services and Methods Demonstration Program, launched in 1974. Burlington received $1 million from the Services and Methods Demonstration Program.

Most communities found, however, that their new pedestrian malls hurt downtown business, rather than boosting it. Pedestrian malls worked best in downtowns with large "captive" markets of downtown workers, residents and/or visitors – in other words, in downtowns in which the daily pedestrian traffic count was enough to support the retail stores, services businesses, and professional offices within the district. But in towns that lacked that captive market or a steady stream of main street traffic, the downtown languished when vehicular traffic disappeared.

By the mid-1980s many community leaders had begun to realize that their downtown pedestrian malls had, in fact, not revitalized their downtowns. Most communities that installed pedestrian malls have now removed them completely or partially. Even Kalamazoo removed its downtown pedestrian mall in 1998. The results have generally been successful. South Bend, Indiana's downtown experienced a 20 percent increase in retail sales when Michigan Street was reopened to vehicular traffic. Ground-floor vacancies on the two blocks of Jefferson Street in Burlington, Iowa that were reopened to cars in 1990 dropped from 80 percent to 20 percent. Although it had taken Raleigh, North Carolina's civic leaders 17 years in the 1960s and 1970s to plan its pedestrian mall and put it in place, it took them only two years to decide to remove it. In 2005, Raleigh decided to reopen Fayetteville Street to vehicular traffic, at a cost of nearly $10 million.

By 2005 fewer than two dozen downtown pedestrian malls remained in the United States. In almost all instances, these malls are in downtowns housing or abutting universities, hospitals or other large institutional users – places like Athens, Georgia (University of Georgia); Boulder, Colorado (University of Colorado); Burlington, Vermont (University of Vermont); and Ithaca, New York (Cornell University) – whose students, employees and visitors provide a significant concentration of daily customers for these districts' businesses.

A number of designers point to the success of pedestrian malls in European cities, but European cities' experiences with pedestrian malls have been quite different from that of cities in the United States. There are a number of reasons for this. For example:

- There is a greater tendency in Europe for commercial districts to have a mixture of economic uses and therefore for there to be a higher number of

workers and residents near the downtown. Zoning regulations, lending policies, and building codes all make it more difficult to create (or recreate) mixed-use environments in US downtowns, particularly given the market competition of cheaper, larger suburban homes.

- European cities are generally better served by local and inter-city public transportation than cities in the United States, making it possible for more people to reach center cities without cars.

- European city centers are more likely to provide a more complete range of basic consumer goods and services than city centers in the US (from which many products and services have been displaced by shopping malls and discount superstores).

A growing number of US communities are finding that providing enhanced pedestrian space while also providing vehicular access accomplishes the major goals designers intended pedestrian malls to accomplish. When Raleigh reopened Fayetteville Street in 2006, it reopened it as a two-lane road with a lane of parallel parking on each side of the street and a sidewalk wide enough to accommodate outdoor dining, rather than as the six-lane thoroughfare it once was.

Further Readings and References

City of Raleigh, N.C. Public Affairs Department (2005). Fayetteville Street – From Mall to Main. *City of Raleigh At Your Service*, September/October 2005.

Flisram, Greg (2000). *Post Modern or Post Mortem? The Kalamazoo Mall Revisited.* Chicago: American Planning Association. Retrieved June 14, 2006, from http://www.planning.org/viewpoints/kalamazoo.htm.

Gruen, Victor (1964). *The Heart of Our Cities.* New York: Simon and Schuster.

Weiner, Edward (1992). *Urban Transportation Planning in the United States: An Historical Overview.* Washington, DC: US Department of Transportation.

West, Amanda (1995). *An Information Brief on Downtown Pedestrian Malls.* Washington, DC: National Trust for Historic Preservation.

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