

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, TO APPROVE APPEAL (APP 21-001), OVERTURNING THE HISTORIC AND CULTURAL PRESERVATION BOARD'S DENIAL OF CERTIFICATE OF APPROPRIATENESS (COA 21-002) TO INSTALL A SIX (6) FOOT TALL WHITE VINYL FENCE ON THE WEST SIDE OF A SINGLE-FAMILY HOME IN THE HIGHLAND HISTORIC DISTRICT LOCATED AT 27259 NONA AVENUE.**

**ASSESSOR'S PARCEL NO. 1191-341-46**

**OWNER/APPELLANT: WADSWORTH MURAD**

**A. RECITALS**

1. On February 24, 2021, the Appellant, Wadsworth Murad, applied for a Certificate of Appropriateness (COA 21-002) proposing two six (6) foot tall vinyl fences on a residential property within the Highland Historic District.
2. On April 1, 2021, the Historic and Cultural Preservation Board considered the Appellant's proposal and approved the fence on the east side of the residence but denied the fence on the west side.
3. On April 6, 2021, the Appellant filed an Appeal (APP 21-001) to overturn the Historic and Cultural Preservation Board's denial of the fence on the west side.
4. Pursuant to the California Environmental Quality Act, the Project is project is Categorically Exempt from environmental proceedings pursuant to Section 15331, Class 31, Historical Resource Restoration/ Rehabilitation, of the California Environmental Quality Act (CEQA) Guidelines.
5. On May 25, 2021, the Highland City Council continued the scheduled item to June 22, 2021.
6. On June 22, 2021, the City of Highland City Council conducted a public hearing to consider the appeal of the Historic and Cultural Preservation Board's determination to deny Certificate of Appropriateness (COA 21-002) at the Highland City Hall Council Chambers in Highland, California, at 6:00 p.m., after providing notice to the public in a manner and for the time required by law to hear and consider both oral and written evidence regarding said Appeal. The City Council directed the Staff to prepare a Resolution overturning the Board's denial and approving the Appeal.
7. On August 10, 2021, the City of Highland City Council approved the Appeal (APP 21-001), thus approving Certificate of Appropriateness (COA 21-002) at the Highland City Hall Council Chambers in Highland, California, at 6:00 p.m.

8. All legal prerequisites to the adoption of this resolution have occurred.

## B. RESOLUTION

NOW THEREFORE, it is hereby found, determined and resolved by the City Council of the City of Highland as follows:

1. The City Council finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
2. The City of Highland City Council, after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the Historic and Cultural Preservation Board dated April 1, 2021, and staff report to the City Council dated June 22, 2021 and August 10, 2021, and which are incorporated herein by this reference, does find and determine the following facts:
  - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
3. Certificate of Appropriateness (COA 21-002) Findings of Fact:
  - a. With regard to a designated resource, the proposed work will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.

Response: The existing home was built in 1990 as a reconstruction after a fire took down the originally home that was built in 1927. Considering this, the home is not a contributing residence to the Highland Historic District. Nonetheless, the residential fencing standard for the district applies to every residence, whether it is a contributing property or not. to ensure improvements do not negatively impact the surrounding properties or neighborhood as a whole. The proposed front yard fence will not damage the architectural features of the single-family home, will be shielded from view with the addition of natural and artificial landscaping, and thus will not affect the aesthetic interest of the home.

- b. With regard to any property located within a Historic District, the proposed work conforms to the prescriptive standards and design guidelines for the District adopted by the Board and does not adversely affect the character of the district.

Response: Per the Highland Historic District Residential Fencing Guidelines, any residence within the district, regardless of its status as a contributing or

non-contributing parcel, is subject to the fencing standards. The guidelines recommend a natural material such as wood, stone, or wrought iron. Because the fence is vinyl, it will be shielded with artificial and natural landscaping material to mitigate the visual impact. The fence meets all other Municipal Code requirements such as height, location, and setbacks.

- c. In the case of construction of a new improvement, addition, building, or structure upon a designated cultural resource site, the use and exterior of such improvements will not adversely affect and will be compatible with the use and exterior or existing designated cultural resources, improvements, buildings, natural features, and structures on said site.

Response: The existing non-contributing residence is a reconstruction that was completed in 1990 in compliance with the Secretary of the Interior's standards for Restoration and Rehabilitation. Considering the age and exterior aesthetics of the house, the 6 foot tall vinyl fencing on the west side is in keeping with the residential character of the neighborhood and does not adversely impact the aesthetic value of the house or neighboring properties in any major way.

4. Based on the Findings of Fact and Conclusions set forth above, the City Council hereby overturns the Historic and Cultural Preservation Board's denial of Certificate of Appropriateness (COA 21-002), and approves the Certificate of Appropriateness.

#### C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of August, 2021.

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Penny Lilburn  
Mayor

ATTEST:

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Betty Hughes, MMC  
City Clerk