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To: [eComments, PBA](#)
Subject: Conditional Use Permit No. 2022-06
Date: Monday, March 28, 2022 12:00:52 PM

Conditional Use Permit No. 2022-06 re: 2221 N Heliotrope

I am writing to strongly urge the Planning Commission to DENY the application for a conditional use permit.

1. **The Addition of this Structure to this Historic Landmark Site has Not Been Approved by the Historic Resources Commission as Required by the Mills Act and this Application Should First be Reviewed by the HRC.**

I vehemently object to the bypassing of the Historic Resources Commission which is required to approve any alterations or additions to a Historic Property—which includes the building site. To permit city staff and the owners to bypass the HRC in the approval process for this structure dangerously undermines the purview of the HRC and thereby makes city staff the *de facto* arbiter of the Mills Act contract and HRC jurisdiction.

The owners purchased a Landmark Historic Property which is steeped in history and architectural significance. Furthermore, this property has a Mills Act contract from which the owners have been annually benefitting with significantly lower property taxes. This historic property includes not just the land but all associated structures and improvements thereon. As such, the owners are contractually obligated to not only maintain the Historic Property, but they may not disrupt the view corridor *with any new structure . . . so as to prevent the viewing of the historic landmark by the public*. Furthermore, the owners are contractually prohibited from destruction of character-defining features of the building or site, or alterations or additions unless approved by the Historic Resources Commission. Such alterations include a structure . . . which is unsightly by reason of its height, condition, or inappropriate location.

The notion that the purview of the Historic Resources Commission is limited only to alterations that physically touch the historic residential structure itself is both dangerously narrow minded but contrary to the express terms of the Mills Act contract to which both the owners and the city of Santa Ana are parties. The Mills Act contract clearly applies to the character-defining features of the building site and the additions of any structure which would interfere with the character-defining features of the site *which requires approval by the Historic Resources Committee*. Of course, whether the proposed structure, in fact, *does* interfere with the character-defining features of the site is for the HRC to determine, after a fair and public review process.

To permit city staff to unilaterally conclude that this proposed twenty-three-foot-plus structure has no impact on this historic landmark property and is therefore not within the jurisdiction of the HRC reveals a shocking ignorance and appreciation of the historic and architectural importance of this historic property, its overall design, architectural intent, and the significance of the present viewing corridor. This fact alone is the reason why this CUP application must be deferred to the HRC for first review and consideration. To enable city staff to permit the owners to bypass the HRC would result in city staff being the final arbiter of such decisions, in effect usurping the purview of the HRC, and significantly undermining the concept of historic preservation the city professes to support.

2. **The Proposed Structure Adversely Impacts the Historic Property**

In the event the Planning Commission does not elect to refer this matter to the Historic Resources Commission, the application for CUP should be substantively denied because it adversely impacts the historic structure. This proposed structure

will be nearly as tall as the main residence, and even though it is proposed to be erected toward the S end of the property, its size, location and mass will be extremely a prominent and dominant feature of the main viewing corridor from Heliotrope. So much so that it will compete with the structure of the main residence. The Maharaja built this residence and surrounding improvements (including the long, walled fence) as a fortress, a compound, for his daughter, with the sizing, location and massing of each structure deliberately placed to as to create a cohesive, unified, clean, modern presence.

The proposed pagoda is neither cohesive with the unique architectural style of the main home nor does it enhance it. It would only distract from and, therefore, detract from and adversely impact the main residence. It would be as much out of place as a lookout tower modeled after a wild west fort. The application for the CUP must be denied.

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