



City of Santa Clara  
**HISTORICAL AND LANDMARKS  
COMMISSION MEETING MINUTES**

Thursday, October 2, 2014 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
1505 Warburton Avenue  
Santa Clara, CA 95050

Please refer to the Historical and Landmarks Commission Procedural Items guideline for information on all procedural matters. An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

**ITEMS FOR COUNCIL ACTION**

The following items from this Historical and Landmarks Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Historical and Landmarks Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- None

**1. CALL TO ORDER**

The meeting was called to order at 7:06p.m.

**2. ROLL CALL**

Commissioners Present: Chair Brian Johns, Michael Hyams, Jeannie Mahan, Jerry McKee, J.L. "Spike" Standifer and Robert Luckinbill

Staff Present: Yen Chen, Associate Planner

**3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing. Chair Johns reviewed this procedure.

**4. DECLARATION OF COMMISSION PROCEDURES**

Chair Johns reviewed the Historical and Landmarks Commission procedures for those present.

**5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES**

- A. Withdrawals – None
- B. Continuances - None
- C. Exceptions – None

**6. ORAL PETITIONS/ANNOUNCEMENTS AND COMMUNICATIONS**

- None

**7. CONSENT CALENDAR**

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Historical and Landmarks Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Historical and Landmarks Commission meeting when the Chair calls for these requests during the Consent Calendar review.

7.A. Approval of Historical and Landmarks Commission Minutes for the meeting of September 4, 2014.

**Motion/Action:** Motion was made by Luckinbill, seconded by Mahan to approve the Minutes of September 4, 2014. (5-0-1-0, McKee abstained)

\*\*\*\*\*END OF CONSENT CALENDAR\*\*\*\*\*

## 8. PUBLIC MEETING ITEMS

8.A. File No.(s): **PLN2014-10234**  
Location: 1488 Franklin Street, approximately 0.246 acre lot located at the southeast corner of Franklin Street and Jefferson Street (APN: 269-20-065). Project site is zoned HT (Historic Combining District).  
Applicant: Vadim Melik-Karamov, vmkdesigngroup  
Owner: Azeem Siddiqui  
Request: **Design Review** of an HT Zoned property to be used for as a single family residence.  
CEQA Determination: Categorically Exempt per CEQA Section 15301, Repair and Maintenance of existing structures  
Project Planner: Debby Fernandez, Associate Planner  
Staff Recommendation: Recommend Approval, subject to conditions

**Notice:** The notice of public meeting for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet.

**Discussion:** Mr. Chen introduced the project and reviewed the regulations for HT-Historic Combining Districts. Mr. Chen also noted that violations would be remedied by the proposed conditions. The Commission heard comments from Lorie Garcia, Honorary City Historian. She discussed the relationship of this property to the Eberhart family. There was discussion on the purpose and need for the HT Zone. Mr. Chen also reviewed the process for HT reversion process to single family residence. The Commission asked for clarification on the number of bedrooms. Mr. Chen noted that an increase in the number of bedrooms from the original HT floor plan would require Architectural Committee review.

Chair Johns opened the item for public comments. Mr. Lou Faria noted his support for the reversion to single family use. He then asked for clarification on the number of bedrooms. Mr. Azeem Siddiqui, owner commented that the property is used by his family as a single family residence, and depending on future finances a possible request would be made for an accessory unit. Chair Johns then closed the item for public comments.

Chair Johns inquired whether the project would jeopardize the integrity of the resource. Mr. Chen reported that the property does not have an updated Historical Resource and Survey Report (DPR). Mr. Chen commented that the architectural features are generally intact and that the recommended conditions would help to restore key historic features. Ms. Garcia noted that the house is still easily recognized as a historic resource by the general public.

**Motion/Action:** Motion was made by Luckinbill, seconded by Mahan to approve the project with a review of the number bedrooms existing at the time of the original HT Zoning approval (6-0-0-0), subject to the following conditions:

1. The property shall replace all vinyl clad and aluminum windows to match style of the existing wood windows on all exterior elevations of the historic structure; restore and paint existing window planter boxes; install new window planter boxes where removed on the historic structure; install new windows, window box trellis on the west elevation of the garage; replace existing garage doors with carriage style doors; remove asphalt alongside the east and west accessory building/garage elevations and replace with landscaping to be initiated within 90 days of project approval.
2. The property owner shall submit the requisite plans to the Building and Inspection Department for all previous nonpermitted construction as well as proposed new construction within 90 days of project approval.
3. The property owner is required to complete and obtain final building permits for all work identified in Conditions 1 and 2 above within six (6) months of project approval.

<b>8.B. File No.(s):</b>	<b>Draft Historic Preservation Ordinance</b>
Location:	City Wide
Applicant/Owner:	Preservation Ordinance Ad-hoc Committee / City of Santa Clara
Request:	<b>Review</b> of Draft Historic Preservation Ordinance
CEQA Determination:	Not applicable
Staff Recommendation:	Review and Comment

Ms. Lorie Garcia, Chair of the Preservation Ordinance Ad-hoc Committee, introduced the Draft Historic Preservation Ordinance for review and comment. She reviewed the background of the Ad-hoc Committee, the formation of Committee and Ordinance, purpose of the Ordinance, and importance of Preservation. Ms. Garcia commented that the Ad-hoc Committee felt strongly that the City Council that appointed and charged with them with this task should be the one to make a decision on the proposed Ordinance. Ms. Garcia noted that the Ordinance applies to eligible structures over 50 years of age that meet City Council adopted criteria, structures on the City's inventory and structures located in historic and potentially historic neighborhoods (Hilmar, Mackay, Old Quad). The Ad-hoc Committee reviewed numerous historic preservation ordinances, followed the technical assistance bulletin from the State, and used the County format as the basis for the Draft Ordinance.

Ms. Garcia noted that changes to the exterior, additions or the creation of 2 or more new bedrooms within existing footprint of historical resources gets to be reviewed by the Commission. She commented that the City's Archaeology Advisor to the HLC was able to review and suggest a change to the Council Criteria adopted criteria. Ms. Garcia noted that there are provisions to prevent demolition by neglect. The requirements for upkeep and maintenance of resources, such as broken windows, peeling paint, and leaking roofs, shall apply to owners, people in charge or leasee. The language came from San Francisco and Santa Cruz ordinances. Provisions in the Ordinance also address the permit process for Significant Property Alterations/ Demolitions (SPA/SPD). She explained that the HLC shall have the authority to approve or deny SPA permits which can be appealed to the City Council. Ms. Garcia also discussed Small Project Reviews where minor alterations to resources shall file applications with the Planning Division. Ms. Garcia reviewed the Pros and Cons of adopting the Historical Preservation Ordinance. She noted the requirements would extend the review and approval period, and cost of updated Historical Survey and Evaluation Reports. She noted the use of the Secretary of Interior Standards as a basis of review for compliance with CEQA. Ms. Garcia discussed the overall benefits to the community, such as providing a clear process for the public, fulfills requirements as a Certified Local Government, provides an expedited process for review by the HLC and appeals to City Council. Ms. Garcia noted that Commissioner

Luckinbill and Mahan participated on the Ad-hoc Committee and would be addressing the questions.

Commissioner McKee asked whether the informal 25% limitation on additions for qualified Mills Act properties was addressed. Commissioner Luckinbill noted that this was not codified in the proposed Ordinance. Commissioner McKee commented that Sec 19.01.020(E) encourages new design and construction instead of preservation and restoration. Commissioner Luckinbill noted when there is new construction it should complement the existing historical building. He noted the intent was to be complementary to the resource if new construction is involved.

Commissioner Hyams noted that Sec 19.02.010 Designation Criteria refers to properties over 50 years of age or older may be designated as historic resources. He noted that much of the City is older than 50 years of age and asked if there was a map that designates the historical areas. He was concerned that property rights of those trying to raise a family would be impacted. He noted concern over a person wanting to purchase in a specific neighborhood would not be aware of the property designation or City's review process. He commented that Appendix A: Criteria for Local Significance are too vague for the public. Commissioner Luckinbill noted that the proposed Ordinance was modeled after the County preservation ordinance. He noted that it can be a bit of a quandary to qualify a resource and difficulties to legislate a moving target when it comes to properties reaching 50 years of age. Commissioner Mahan noted that there will be maps that will designate specific areas. She noted the intent is to err on side of caution and not have properties that qualify as historical resources slip through the process.

Commissioner Hymas stated his desire for people to know whether an area or neighbor is subject to the proposed Ordinance. Commissioner Johns noted the importance of developing context statements to define historic areas or neighborhoods needing protection. He noted the City does not currently have context statements. Mr. Chen commented areas will be added to the List of Historic Neighborhoods as relevant information is brought forth on eligible properties. Commissioner Mahan stated that better clarity on the process occurs when a neighborhood or property is identified as a resource. Commissioner Luckinbill commented short of performing a survey on each property in the City, the process is set to determine the significance of a resource as historical on an individual review as applications are submitted.

Commissioner Standifer described an example of a Post WWII Kaiser house being demolished / remodeled in his neighborhood and asked how the proposed Ordinance would protect these resources. Mr. Chen noted when there is an eligible property, per the Appendix B: Review Matrix, other properties within 300 feet would be subject to Historical Landmarks Commission review. Commissioner Hymas commented that if a home is 50 years of age or older then buyer beware. Mr. Chen stated that definitive way for an owner to know if the property is a historic resource is to complete a Historical Survey and Evaluations Report.

Commissioner Johns asked if the proposed Ordinance distinguished between residential, commercial or industrial properties. Ms. Garcia noted that all properties are subject to review if it is over 50 years of age or older. Commissioner Johns asked for clarification on the expedited review process where appeals are made to the City Council. He asked if the HLC would become a decision making body. Ms. Garcia noted that the HLC would have discretionary authority over permits and the idea is appeals of the HLC will be reviewed by the City Council.

Commissioner Johns inquired about the small project review process. He noted that items listed under Alterations, such as replacement of windows and doors, repainting and roof replacements, currently do not require an applicant to obtain permits. Ms. Garcia commented that these items will now be handled by staff under the Small Projects Review as there is a potential for impact to historical or potential resources when work is performed.

Commissioner Johns asked if it will be the owner's responsibility to update Historical Evaluation and Surveys reports on file with the City. Ms. Garcia noted that not everyone needs to provide an update. Ms. Garcia noted the language in the proposed Ordinance allows for the HLC to have the authority to require updates to DPRs. The State Historical Preservation Office is looking for updates to older DPR's if they are older than 5 years. Both Commissioner Johns and Mahan ask for clarity on Sec. 19.01.040(D) on Historic Resource Inventories.

Commissioner Johns noted that under Sec 19.02.020(E) nothing can be designated as a Historic resource without owners consent. Commissioner Luckinbill noted that Sec 19.03.030(B) does not allow the City to deprive the owner of all reasonable use or return on the property. He noted the City cannot have a law that takes away reasonable use of property. Commissioner Johns commented on Sec 19.03.040 Permit Findings. He noted the language uses "permit may be denied" if findings cannot be made. He asked if the use of the word "may" was intentional. Commissioner Luckinbill noted that extenuating circumstances would allow the SPA permit to be approved.

Commissioner Luckinbill stated that the Draft Historical Preservation Ordinance is not perfect and will be reviewed by multiple parties prior to adoption. The proposal will be reviewed by attorneys, Planning Commission and City Council. He also noted that the State Historic Preservation Office will review the proposed ordinance as the City is a CLG.

Chair Johns opened the item for public comments. Ms. Mary Jeanne Oliva, 345 Hayes Ave, commented that she lives in Mackay built Mid-Century Home designed by Ashen & Allen. She commented on the fine streetscapes throughout the City and to lose one historical resource can diminish the entire City. She welcomes and supports the ordinance. Mr. Lou Faria commented on the hard work and time put in by the Ad-hoc Committee members. He noted that the Committee reviewed multiple sources to put together the Draft Ordinance. He stated that times have changed and this ordinance allows for the inclusion of neighborhoods, such as Hilmar and Mackay. Mr. Faria inquired as to how the Review Matrix was to be used. Commissioner Mahan walked the audience through the process and noted the Matrix is a tool for staff.

Ms. Sowmya Subramaniam, 361 Hayes Ave, noted her love of her residence and neighborhood. She noted that second story additions dwarf existing homes and are eyesores in the neighborhood. She believes the proposed ordinance will raise awareness in the community, help to preserve homes in the neighborhood. She hopes the ordinance moves forward. Mr. Kip Thomas, 3431 Elmhurst Ave, welcome this ordinance. He noted four prior appearances before the Architectural Committee to stop large stucco mansions from being built in the Mackay neighborhood. He commented that with neighborhood support the projects were modified or denied. He encourages the passage of the ordinance. Mr. Stephen Estes, 345 Hayes Ave, thanked the Commission for the work on the draft ordinance and the effort to create the Review Matrix. Commissioner Mahan noted the purpose was to create a one sheet to help staff answer the questions on projects needing HLC review. Commissioner Luckinbill noted that there is no mandate that the inventory be reviewed every 5 years. Mr. Estes noted that as a homeowner of a Mid-Century Modern, in the Maywood Park Neighborhood, that he strongly supports the passage of the ordinance. He added that the ordinance would add linearity and clarity to the process of review of properties. Chair Johns then closed the item for public comments.

Commissioner Mahan and Luckinbill thanked the public for attending the meetings to create the Draft Historic Preservation Ordinance. The Commissioners thanked Lorie Garcia for all her hard work. Mr. Chen noted that the Planning Commission is scheduled to review the draft ordinance and the HLC's comments on October 22<sup>nd</sup>.

## 9. OTHER BUSINESS

### 9.A. Commission Procedures and Staff Communications

#### i. Announcements/Other Items

- Photographs of HLC for Annual Report / City Calendar at 6:50 p.m.
- Correspondence received for HLC
  - None
- Schedule of 2015 HLC Meetings
  - The Commission discussed holidays, reserve dates and opportunities for training.
  - Motion was made by Luckinbill, seconded by Mahan to approve the HLC Schedule of Meeting for Year 2015 with the change from July 2<sup>nd</sup> to July 9<sup>th</sup>, (6-0-0), subject to no conflicts with other scheduled City Council, Commission and Committee meetings dates.
- Maintenance and repair at the Harris Lass House
  - Mr. Chen noted that the work is consistent with the information presented to the Commission in the past.
  - The Commission reviewed a memo from Building Maintenance Manager on the on-going maintenance and repair planned at the Harris Lass House.
- Review Historic Survey Consultants
  - Commission requested a note be added to indicate that professions not currently on the list may also be qualified.
- Review Public Information Handouts and Brochures (verbal update)
  - Mr. Chen noted that the list of brochures and handouts are from resources obtained at SHPO and NPS will be provided to the Commission at upcoming meetings.
- Monthly Report on HT properties: Residential reversions (verbal update)
  - None

#### ii. Report of the Liaison from the Planning and Inspection Department

- City Council and Planning Commission Actions (verbal update)
  - Commission requested that future projects at 1075 Pomeroy Avenue be forwarded to the Historical & Landmarks Commission for review. The adjacent developments at Pomeroy Green and Pomeroy West are Eichler townhouse and condo developments. The Commission noted that these properties are potentially eligible resources. Mr. Chen noted that the property owners and HOA at these developments have been in contact with staff on the process of formally being listed as a resource.

#### iii. Commission/ Board Liaison and Committee Reports

- Santa Clara Arts and Historic Consortium (McKee / Standifer as alternate)  
[Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]
- Historic Preservation Society of Santa Clara (Mahan / Luckinbill as alternate)  
[Second Friday of each month at 10:00 a.m. - Harris Lass Preserve]
  - Commissioner Mahan reported on progress of the orchard replacement project and provided an update on the Historic Home Tour
- Old Quad Residents Association (Hyams / Mahan as alternate)
- Architectural Committee (Mahan / Johns as alternate)
  - Mr. Chen reported the request by Oracle to two construct two new buildings at the Agnews Campus was approved.
  - Mr. Chen noted a two story addition on Blake Ave which is immediately adjacent to the Maywood Tract was approved with considerations for privacy impacts to adjacent properties.
- Agnews Historic Cemetery Museum Committee (Standifer / Luckinbill as alternate)
- BART/ High Speed Rail/ VTA BRT Committee (Johns / McKee as alternate)
- Zoning Ordinance Update (Johns / Hyams Alternate)

- Preservation Ordinance Ad-hoc Committee (Mahan and Luckinbill / McKee as alternate)
- Mr. Chen noted that the Planning Commission is scheduled to review the draft ordinance and the HLC's comments on October 22<sup>nd</sup>.
- Neighborhood Preservation Ordinance Ad-hoc Committee (Johns / Standifer as Alternate)
- Commissioner Johns reported on the 5<sup>th</sup> meeting where Committee completed their work. The proposal is now with the City Attorney's office.

**iv. Commission Activities**

- Commissioner Travel and Training Reports

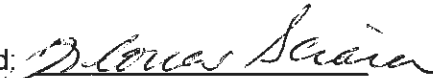
**v. Upcoming Agenda Items**

- Commission noted that it would be beneficial to have a tour of the Mackay neighborhoods.
- Information on the Mackay neighborhoods provided by Mr. Steven Estes to Planning staff will be reproduced for the November meeting.
- Election of Commission Officers – November
- Commission/Board Liaison Assignments - November
- Franklin Post Office Update (Lorie Garcia) – TBD
- Review of Street Name List (Lorie Garcia) – TBD
- City's Mackay neighborhoods (Yen Chen) – TBD

**ADJOURNMENT**

The meeting was adjourned at 10:24 p.m. The next regular Historical and Landmarks Commission meeting will be held on Thursday, October 2, 2014 at 7:00 p.m. in the City Council Chambers.

Prepared by:   
 Yen Chen  
 Associate Planner

Approved:   
 Gloria Sciara, AICP  
 Development Review Officer

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