9/14/08

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CITY OF SANTA CLARA

HISTORICAL AND LANDMARKS COMMISSION
MEETING
August 7, 2008 - Thursday

City Council Chambers

1500 Warburton Avenue, Santa Clara
*****MINUTES*****
7:00 P.M.

ITEMS FOR COUNCIL ACTION

The following items from these Historical and Landmarks Commission minutes are recommendations to the City Council and 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 may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items: **There were no items.**

I. Call to Order
Chairperson McKee called the meeting to order at 7:02 p.m.

II. Roll Call and Welcome of new Commissioner, Kris Motyka
Mary Ann Marinshaw, Gerald McKee, Ed Richards, Rosalie Wilson, and Kris Motyka. The Commission welcomed Commissioner Motyka.

Staff present: Assistant City Attorney Julia Hill, City Planner Carol Anne Painter, HLC Staff Liaison/Associate Planner Jeff Schwilk.

Mr. Schwilk noted that Commissioner Petersen called earlier in the day and requested to be excused from the meeting. The Commission excused Commissioner Petersen.

The Commission noted Commissioner Christina Francisco Patton was absent and unexcused. Commissioner McKee suggested that staff write a letter to Commissioner Patton, informing her of four consecutive unexcused absences, and copy the City Council for possible evaluation and even termination from the Commission.

Ms. Painter advised the Commission that any formal action by the Commission should be agendized for the September 4th meeting, to meet the requirements of the Brown Act.

It was moved by Commissioner Richards, seconded by Commissioner Motyka and carried (4-0-1-2, Commissioner Marinshaw abstaining, Commissioner Petersen excused, and Commisioner Patton absent), that staff report Commissioner Patton's four consecutive unexcused absences from the Historical and Landmarks Commission Meetings, to the City Manager.

III. Requests for withdrawals and continuances without a hearing
There were none.

IV. Approval of Minutes of June 5, 2008
It was moved by Commissioner Wilson, seconded by Commissioner Marinshaw, and unanimously carried(5-0-0-2, Commissioner Petersen excused, and Commissioner Patton absent), to approve the Minutes of the June 5, 2008 Historical and Landmarks Commission meeting, as written.

V. Council and Planning Commission Actions Pertaining to the Historical and Landmarks Commission (Discussion as Needed)
Mr. Schwilk reviewed the City Council and Planning Commission minutes and summaries from the June and July meetings, for hearings and actions pertaining to the Historical and Landmarks Commission.

From the Planning Commission Meeting of July 23, 2008, the Commission reviewed the El Camino Real Corridor Development Guidelines- a set of non-binding informational tools, to assist the City. This came after the Grand Boulevard Initiative was presented to the Commission in April, and the Commission recommended denial. Staff is now recommending that the City Council consider the Grand Boulevard Initiative and its principles as part of the General Plan Update process occurring over the next few years, allowing time for the City to better address the City's concerns.

Commissioner Richards questioned if the map for the proposed guidelines would extend one-half block on either side of El Camino Real. Ms. Painter responded that the proposed guidelines would only apply to those properties with direct frontage onto the El Camino Real. Since these properties vary in depth, the proposed guidelines would extend more than one-half block in some cases, and less in other cases.

Commissioner Richards requested that Historic Preservation Fund be agendized for next month's meeting, and report on how much money exists in this fund, and note what it is being used for.

VI. Correspondence/Announcements
A. General Correspondence Distributed in Commission Packet

There was no discussion.

VII. Public Presentations
Mr. James Rowen then addressed the Commission, and commented on his interpretation of the Brown Act.

VIII. New Business
A. Election of Historical and Landmarks Commission Officers – July 2008- June 2009
Mr. McKee explained the process and Commission traditions, and called for motions for Chair and Vice Chair.

It was then moved by Commissioner Richards seconded by Commissioner Marinshaw, and unanimously carried (5-0-0-2, Commissioner Petersen excused, and Commisioner Patton absent), to nominate Commissioner Wilson to become the Chair, with Commissioner Wilson accepting the position.

Commissioner McKee then passed the microphone to Chairperson Wilson.

It was then moved by Commissioner McKee, seconded by Commissioner Motyka and carried (4-1-0-2, Commissioner Richards opposed, Commissioner Petersen excused, and Commisioner Patton absent), to nominate Commissioner Marinshaw to the position of Vice-Chair, with Commissioner Marinshaw accepting.

B. Adoption of Historical and Landmarks Commission Meeting Calendar for 2009
It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried (5-0-0-2, Commissioner Petersen excused, and Commisioner Patton absent), to approve the 2009 Calendar for the Historical and Landmarks Commission, as prepared.

C. Architectural Review and Variances for substandard side yard setbacks and a one-car garage where two covered spaces are required, in conjunction with the proposed construction of a single-story, single family residence – 1444 Market Street (PLN2008-07224).

Mr. Schwilk reviewed the project background for this property, and the current request for architectural review of the new replacement residence, the design of which would also require Variances from the Planning Commission for substandard side yard building setbacks, and a substandard one-car garage. Mr Schwilk stated that notice was provided to all concerned neighbors and residents in the area that had attended previous City meetings for this property.

Mr. Schwilk noted that the Architectural Committee recently reviewed an alternative design proposal for this property at their meeting of June 18, 2008. At the June 18th meeting, the Committee noted that the applicant may proceed to the Historical and Landmarks Commission with the then-proposed design of a new house with an

attached two-car garage. The Committee's preference, however, was to more closely match the original house and the design approved by the City in 2006. Mr. Schwilk noted that the redesigned house plans followed the guidance of the Architectural Committee.

Mr. Schwilk noted that the Historical and Landmarks Commission is being requested to make a recommendation related to the compatibility of the proposed project as it relates to the surrounding neighborhood. Mr. Schwilk noted that Volunteer Architectural Advisor, Craig Mineweaser AIA, had reviewed the plans and verbally reported to staff that he agreed with the staff findings and recommendations.

The Commission questioned staff on the status of the settlement agreement for the non-permitted demolition of the previous residence on this property.

Assistant City Attorney Julia Hill, then addressed the Commission. Ms. Hill noted that the City is still in discussions with the applicant regarding the settlement agreement. She further informed the Commission that the owner's efforts to date were to get the stop work order lifted, inventory the materials proposed to be salvaged on site, and proceed with the application proposed before the Commission.

Commissioner Richards noted his ambivalence to the proposed use of salvaged exterior materials, except for the front porch.

Commissioner Motyka noted her disagreement with Commissioner Richards, and acknowledged the applicant's efforts to reuse the salvaged materials, including the turned porch posts and the sunbursts.

Chairperson Wilson then opened the public hearing.

The applicant's attorney, Robert Chojnacki, and the designer, John Freel, addressed the Commission in response to the Commissioner Wilson's question regarding the location of the salvaged materials. Mr. Freel noted that all of the materials are being stored on site, and Mr. Chojnacki noted that some of the materials were in the shed.

Mr. Freel noted that dry rot exists in all of the turned posts, and that the owner plans to reproduce all of these posts at the same size, using the existing as a model.

Commissioner McKee questioned plans for the former basement. Mr. Freel replied that the owner does not wish to keep the basement and plans to fill it with dirt as part of the project.

Commissioner Motyka noted that the plans appeared nearly identical to the project design from a few years ago. She further noted that part of the Commission's role is to determine whether new single family projects are consistent with the streetscape and nearby historic homes. She then asked the applicant if there had been any consideration in designing a house with a detached one-car garage toward the rear

yard. She noted that, on the block and in this neighborhood, all but one of the other homes have detached garages. She noted that on the next block one other newer home has an attached two-car garage, which stands out as being different from the character of the other homes.

Mr. Freel noted that the lot is only 5,000 square feet in area, and a detached one-car garage would occupy most of the useable rear yard space desired by the owner to be landscaping.

Commissioner Motyka questioned if more consideration could be given to redesigning the project to accommodate a detached one-car garage.

Ms. Painter noted that the issue of having an attached or detached garage can be more complex, with codes that regulated building to building separation, as well as fire separation. There could also be issues related to the variance. She noted the Commission could continue the project to allow more time for the applicant to explore design alternatives that would incorporate a detached one-car garage, but should provide the applicant and staff with some specific direction, as it may be difficult to develop a better design.

Commissioner Richards noted the lot is a clean slate now that the former structure is gone, and noted there is no reason the project could not be redesigned to have a detached garage at the rear of the property. He noted that a 50-foot wide lot is not substandard for properties in the Old Quad.

Mr. James Rowen addressed the Commission and noted that he has been following this issue for a while, and felt that the project should be sent back for redesign, with appreciation for the neighborhood character.

Mr. Lou Faria noted his support for the comments made by Commissioner Richards and Commissioner Motyka, that the current design was originally approved for an addition to a historic house back in 2006; and, now that there is no longer a historic home on the site, whatever is built should fit in with the neighborhood.

Mr. Faria asked if the settlement agreement negotiations would be made public. Ms. Hill responded that, to the extent possible, they would.

Mr. Chojnacki noted his preference that the Commission make a recommendation, so that his client could proceed to take the project to the Planning Commission on August 27th, and construction can proceed as soon as possible.

The public hearing was then closed.

Chairperson Wilson noted her concurrence with the comments made by Commissioners' Richards and Motyka. She noted that the demolished house was a historic landmark structure for the community, and the demolition was unauthorized.

She requested that the community is made aware of the penalty levied by the settlement agreement, before the project proceeds. She felt the penalty should be addressed first.

Commissioner Marinshaw questioned the currently proposed front setback of the garage, compared with that of the house. Mr. Schwilk noted the current design proposes the garge at a 23-foot setback from the front porch columns, and 18-feet behind the front wall of the house, for a total setback of approximately 45 feet from the street property line.

It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried (5-0-0-2, Commissioner Petersen excused, and Commissioner Patton absent) to continue this project for redesign, with recommendations that the applicant develop a site plan design to include a detached one-car garage set further back on the property, with sufficient separation between the house and garage, and the house and side property line, for a person to easily pass through (i.e.- 4 feet).

Chairperson Wilson then requested that a status update on the settlement terms of the unauthorized demolition be provided at the next meeting.

IX. Old Business, Referrals and Continued Items

X. Commissioner/Committee Reports

A. Santa Clara Arts and Historic Consortium (McKee)
[Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]
There was no report.

B. Historic Preservation Society of Santa Clara (Marinshaw)
[Second Friday of each month at 10:00 a.m.- Harris Lass Preserve]
Commissioner Marinshaw noted the Society hosted a successful Antique Show and Tell in the past week, and also noted that the Society will be hosting a Halloween Spooktacular the Friday and Saturday evening the week before Halloween.

C. Old Quad Residents Association (Richards/McKee alternate)
There was no report.

D. Neighborhood University Relations (Petersen)
There was no report.

E. Architectural Committee (Patton)
There was no report.

F. Agnews Historic Cemetery Museum Committee (Wilson and Patton)
Commissioner Wilson noted that work is still underway.

G. BART Committee (Marinshaw)

Commissioner Marinshaw noted she attended a meeting a few weeks ago, and was disappointed there were no members of the public present to provide input on issues such as traffic, housing, or parks for the proposed plan.

H. General Plan Steering Committee (Richards/Petersen)
Commissioner Richards noted that one meeting was held, and that he expects more progress to be made at the upcoming August 28 meeting.

XI. Items Considered, Time Permitting

A. Staff Communication

1. General Plan Community Workshops Update
Ms. Painter noted that there have now been two community workshops. The first workshop was a visioning workshop, which gathered ideas from residents about Santa Clara's future. Ms. Painter noted that a full report that includes all of the input will be posted on the City's website. The report for the second workshop, which discussed housing and environmental topics, should be posted online by the end of August.

Ms. Painter noted that the next General Plan Steering Committee Meeting will be held August 28th in the City Council Chambers. She further noted that, on September 10th, there will be a joint meeting between the Planning Commission and the City Council, which will review all of the workshop information to that date, as well as the Steering Committee information. The next community workshop following that will be in November. There will be other Steering Committee workshops in Novemeber and December.

Ms. Painter also noted that a community survey will be mailed out on September 1st, as an insert in the Inside Santa Clara publication, to further gather the visions and preferences of the citizens of Santa Clara, so that the City can begin to develop a plan that reflects the community's interests.

2. Response to Commission inquiries from June 5, 2008, regarding demolition work at Santa Clara University to the ROTC building and Field house, and also on construction activity at the Ricard Observatory.

Mr. Schwilk noted that staff has contacted the University and prepared reports. Since this item was not placed on the agenda correctly, the Commission could not take action.

Ms. Hill informed the Commission that, as it was not agendized as an action item for this agenda, it should be agendized as an action item for the next meeting.

It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried (5-0-0-2, Commissioner Petersen excused, and Commissioner Patton absent), that this item be placed on the September 4th

meeting as an action item.

3. Public input and questions and Commission direction for future discussion regarding the Morse Mansion at 981 Fremont Street

Ms. Painter noted that there is no project application pending for this property, that staff has not prepared a report. She further commented that staff was not prepared to answer the questions related to the Morse Mansion. Ms. Painter noted that staff did not have all of the information, and could not, therefore, fairly respond. Ms. Painter noted, however, that staff agendized this item to enable the Commission to ask questions and receive public input for any issues the Commission deems appropriate about the Morse Mansion. Ms. Painter further commented that staff would take questions as directed through the Commission, and prepare responses for a future meeting to the satisfaction of the Historical and Landmarks Commission.

Commissioner McKee noted that there were several members of the public in the audience for this item, and requested that the Commission take public input about the Morse Mansion.

Chairperson Wilson invited public input.

The following individuals were present and spoke on this item: Kay Ammon, Mark Ledtge, Tom Hinton, Ann MacDonald, Lou Faria, Cathy Silva, Don Arnoldy, Erin Linke, Betty Zonia, Shirley Odou, and Albert Hitchcock. Individuals also present for this item, but who did not speak on the matter, were: Bev Hromec, Charlie MacDonald, Bob Blake, Sherry Hitchcock, and Julie Roedell.

The following bullets are summary statements and concerns expressed by individuals who addressed the Commission at the August 7th meeting:

a. Residents have heard nothing but rumor about what is happening
b. Rumors are that there may be two multi-story buildings proposed at the rear of the lot, looking back down into neighboring back yards
c. Any proposed changes to the interior as well as the exterior, need to be reviewed and approved by the City.
d. The Morse Mansion should be kept as pristine as possible, and not subjected to a lot of potential damage, extra development or change.
e. The Morse Mansion is one of the most significant, if not the most significant, historic property in Santa Clara.
f. Months of work have already taken place there, in possible contravention of code, and the City has not stopped the work, as it should, until the City's codes and regulations are properly followed.
g. Concerns expressed about the use of the Morse Mansion as a sorority household, in terms of all of the changes that might be made to the interior

of the building, and all of the damage to the historic character that could be done for the changed use.

h. Concern about having a sorority house across the street from single family homes with small children, given all of the parties, couches, etc...
i. People are already living in there as a residence, which in and of itself, is a change from the current uses allowed by the HT zoning.
j. Stop work orders should be issued, and the property should be vacated.
k. Concern that the new owners' plans may destroy the character of the neighborhood.
l. Additional use and any future signs would need approval of the City Council.
m. Per City Zoning Ordinance, only changes which are reversible can be made, and, there must be adequate on-site parking, and use must be compatible with the neighborhood appearance, parking, activities, and noise.
n. Observed general increased parking, noise, and garbage problems as university activity has encroached this neighborhood, and noted concern if this property is to become university housing.
o. Concern expressed about the neighborhood remaining in tact, and not becoming a party atmosphere.
p. Belief a business group purchased the property for something more than just to make a sorority of it, and noted that if group does plan to divide it, and build something else on it, they will destroy the historic character, because that building needs a lot of room around it. To make that lot smaller would damage that property significantly.
q. If the City does allow development to occur, it should not appear quirky, like the Winchester Mystery House.
r. Hope that the City will monitor and enforce the rules and regulations.

The following were the issues and questions that were taken for follow-up staff research and response, through the direction of the Commission, for the September 4, 2008 meeting:

1) What are plans for use of the property?
2) Will the City require variances with the change in use?
3) If there are already people using the building as a residence, doesn't that constitute a change from the current permitted use under which the HT zoning applies?
4) Staff should report back on the interplay between HT zoning and the OA zoning, and why this is being allowed.
5) The City should issue a stop work order, inform the community of the City's knowledge of activity at the property, and require the property to be vacated.
6) A review is supposed to occur with a change in use per page 1, column 2 of the HT zoning ordinance, with plan details, colored photographs, descriptions of use of the property, to be submitted by the owner. This,

and a required covenant agreement between the owners and the City, was apparently not done with the original rezoning, but should be done now with this change in use.

7) Staff should address the alternatives going forward, such as the City's purchasing the property to use for offices, or allowing the property to become a bed and breakfast, now that this has been purchased by a group of investors and a sorority is moving in, and try to manage this through the owners of the property rather than the current occupants.
8) When the former carriage house was taken down, was there a requirement that only a structure of that same genre could replace it?
9) Was the recent driveway installation approved by the City, and was there a permit or public hearing for this?
10) Two City permits have been issued on this house in recent months without Architectural Committee review.
11) Was anything for this property referred to the Architectural Committee over the past 20 years?
12) Does the City have record of approval or permits for changes made to the bathrooms and kitchen?
13) When the previous Magnolia tree was removed, was it supposed to have been replaced by a mature Magnolia tree.
14) Requested more information from staff on the current zoning, the process for rezoning should it come to that.
15) For any future actions on this house, no matter which department, Planning, etc..., all of those at this meeting who have signed should be notified of any future City meetings.

4. Review of draft 2008-2009 HLC Work Program

Mr. Schwilk noted that staff was still in the process of developing the draft work program, and would report to the Commission with a draft or update at the September 4th meeting.

B. Commission Report on Training/Conferences

None.

XII. Pending Agenda Items (notice of upcoming agenda items only- No discussion)

The Commission requested a status update of the previously proposed City fire history museum, planned to be built at the Fire Department Training Center, and requested that it be placed on an upcoming meeting agenda. Commissioner McKee noted that the Fire Department last presented on the matter to the Commission about a year and a half ago.

XIII. Adjournment

It was then moved by Commissioner Richards, seconded by Commissioner Wilson, and unanimously carried (5-0-0-2, Commissioner Petersen excused and Commissioner Patton absent), to adjourn the meeting at 8:50 p.m. to the scheduled meeting of September 4, 2008.

Approved: Jeff Schwilk, AICP
Associate Planner

Approved: Carol Anne Painter
City Planner

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