

1. 8-18-21 Historic Heritage Committee Study Session - Agenda Packet

Documents:

[2021.08.18 HHC AGENDA STUDY SESSION.PDF](#)



Historic Heritage Committee Study Session Agenda Wednesday, August 18, 2021 at 6:00 P.M.

HISTORIC HERITAGE COMMITTEE MEMBERS

Chair: David Matuszak
Vice Chair: Kathleen Chavez
Member: Ian Bruesehoff

Council Member Representative:
Rebeca Armendariz
Planning Commissioner Representative:
Adilene Jezabel Moreno

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR’S EXECUTIVE ORDER N-29-20 MEETING MATERIAL IS AVAILABLE ON THE CITY WEBSITE www.cityofgilroy.org.

In order to minimize the spread of the COVID 19 virus, the City will be offering telephone and email options for public comments at this meeting. The public is encouraged to participate in this meeting by as follows:

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PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE HISTORIC HERITAGE COMMITTEE.

Zoom Log In <https://rb.gy/iitutr>
or Call 1 (669) 900-6833
Meeting ID: 843 4664 1144
Passcode: 168809

DURING THE MEETING: TO PROVIDE A VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING, LOG INTO THE ZOOM MEETING AND ENTER THE PASSCODE, OR CALL THE PHONE NUMBER LISTED HERE AND ENTER THE MEETING ID AND PASSWORD. When the Chair

announces the item which you which to speak on, **press *9** on your telephone keypad to raise your hand. When called to speak, please limit your comments to three (3) minutes, or such other timeas the Chair may decide, consistent with the limit for all other speakers for the particular agenda item.

COMMENTS MAY BE EMAILED PRIOR TO OR DURING THE MEETING TO CHRISTINA RUIZ AT christina.ruiz@cityofgilroy.org AND MUST BE RECEIVED BEFORE THE CHAIRPERSON OPENS PUBLIC COMMENT FOR THE ITEM. ADDITIONALLY, COMMENTS MAY BE MADE BY LEAVING A VOICE MESSAGE AT 408-846-0269, PRIOR TO 5:00 P.M. WEDNESDAY, AUGUST 18, 2021.

IMPORTANT: identify the Agenda Item Number or PUBLIC COMMENT in the subject line of your email. The Clerk will read the first three minutes of each email into the public record.

In compliance with the Americans with Disabilities Act, and Governors Order N-29-20, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City a minimum of 2 hours prior to the meeting at (408) 846-0269.

Know your rights under the Gilroy Open Government Ordinance

Government's duty is to serve the public reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that the City operations or deliberations are conducted before the people and that the City operations are open to the people's review. For information on your rights under the open Government Ordinance, to receive a free copy of the ordinance, or to report a violation of the Ordinance, contact the open Government Commission staff at (408) 846-0204 or e-mail cityclerk@cityofgilroy.org

STUDY SESSION - 6:00 P.M.

I. CALL TO ORDER

II. INTRODUCTIONS

III. STUDY SESSION

A. Workplan Item: Historic Ordinance Update

1. Presentation: Cindy McCormick
2. Public Comment:
3. Possible Action: Review memo and provide input. No formal action will take place at this time.

IV. ADJOURNMENT to the Next Regular Meeting of September 15, 2021 at 6:00 p.m.



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

7351 Rosanna Street, Gilroy CA 95020

(408) 846-0451 (408) 846-0429 (fax)

www.cityofgilroy.org

DATE: August 18, 2021
TO: Historic Heritage Committee
FROM: Cindy McCormick, Senior Planner
SUBJECT: Historic Ordinance WorkPlan

RECOMMENDATION:

Review and provide input on:

- 1) staff's suggested draft guiding principles
- 2) staff's suggested draft amendments to sections 30.27.10 and 30.27.20.

BACKGROUND

As provided in the attached Workplan approved by the HHC in February 2021, the HHC will review Gilroy City Code [Article 27 - Historic Site and Historic Neighborhood Combining Districts](#) for potential clarification and streamlining. For example, the Ordinance does not currently differentiate between "contributing structures" on the Historic Resource Inventory (HRI) and those structures that have been formally designated by resolution of the City Council as a historic site or historic neighborhood.

DISCUSSION

DRAFT Update Goals: To begin this process, staff has drafted six (6) goals in no particular order to help guide staff and the HHC in drafting amendments to Chapter 30.27 (Article 27).

- 1) Clarify, streamline, and simplify the overall ordinance
- 2) Eliminate redundancies and superfluous language.

- 3) Define and distinguish City Council designated “historic neighborhoods”, City Council designated “historic sites”, and other “contributing resources” that are included in the Historic Resource inventory.
- 4) Provide a clear and easy to understand process for rehabilitating or making modifications (e.g., additions) to buildings listed on the HRI depending on whether they are a contributing resource, a designated historic site, or located within a designated historic neighborhood.
- 5) Simplify and consolidate the existing standards for demolition.
- 6) Codify the Mills Act Program as an economic incentive for preservation.

Possible Action: Accept or modify staff’s suggested goals.

DRAFT Amendments: Based on the draft guiding principles, staff has provided some suggested amendments to Sections 30.27.10 and 30.27.20 and added a new definitions section. The following suggested amendments are based on goals #1, #2, and #3. Suggested deletions are noted by ~~strikethrough~~, while suggested additions are underlined.

30.27.10 Statement of intent.	DISCUSSION
The intent of this article is:	
(a) To preserve historic sites and neighborhoods that represent important elements of Gilroy’s past or contribute to the community’s identity or educational resources;	No recommended edits
(b) To enhance the visual character of Gilroy by encouraging and regulating the compatibility of architectural styles within historic sites and neighborhoods;	Gilroy does not require non-historic structures to be architecturally compatible with historic structures unless they are located in a historic neighborhood. Therefore “sites” can be removed from this section.
(c) To identify and designate <u>historic sites or areas-historic neighborhoods</u> that have a significant concentration or continuity of sites, buildings or objects unified by past events or physical development;	The City Council designates both sites and neighborhoods pursuant to Section 30.27.30 <i>Establishment of historic site and neighborhood combining districts</i> . Therefore “areas” has been replaced with historic sites or historic neighborhoods for clarity and transparency.
(d) To encourage <u>the rehabilitation or</u> restoration of historic buildings and neighborhoods throughout the city.	Buildings in Gilroy are generally “rehabilitated” rather than undergoing a more challenging “restoration” – see Sec of Interior Standards definition. Historic

	neighborhoods are not rehabilitated or restored.
<u>e) To encourage the preservation of character defining features of contributing resources.</u>	Although contributing structures have fewer regulations than historic sites, modifications that remove or replace their character defining features would be subject to CEQA. Therefore, an additional purpose of the City Code is to encourage the preservation of those features.

30.27.20 Permitted uses and Conditional use permits.	DISCUSSION
<p>Permitted uses in both the historic site and historic neighborhood combining districts include all uses that are permitted in the base district.</p> <p>Any use that is listed as a conditional use for the base district may be allowed to locate within a historic site or neighborhood combining district subject to the planning commission making all of the following findings: that</p> <p>(a) The proposed conditional use is compatible with the historic nature of the property and would require minimal alteration to the building or site; and</p> <p>(b) All proposed and/or required alterations would not alter the historic significance of the building or site; and</p> <p>(c) The site is adequate to accommodate any required parking, landscaping or other amenities required as a condition of approval of the conditional use permit.</p>	<p>A use that is permitted in the City Code is generally considered compatible in the neighborhood in which it would be located. Therefore, the reference to permitted uses can be removed.</p> <p>A use that requires a conditional use permit requires review and approval from the Planning Commission. Conditions can be placed on the permit to minimize potential impacts.</p> <p>Staff recommends that this section be simplified for the following reasons.</p> <p>a) and b) are redundant. Furthermore, these can be removed because any alterations that would alter the historic significance of a historic site would require Architectural and Site Review approval by the City. Conditions can be placed on the permit to minimize potential impacts.</p> <p>c) can be removed. In addition to determining if a use is allowed, the city reviews building permits and business license applications to ensure that parking, landscaping, and other required amenities comply with city code.</p>

30.27.25 Definitions (NEW)	
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DISCUSSION: The following draft definitions are recommended for clarity and transparency. The definitions can be included as stand-alone definitions in Chapter 30.27 (as they are for the accessory dwelling unit Chapter) or they can be included along-side the general definitions included in Article II of the City Code.

"Alteration" means any exterior modification to a historic resource, including but not limited to a new addition or removal of existing architectural features. Alteration shall not include routine maintenance and repair such as any work involving the in-kind replacement of existing material for the purpose of protective or preventative measures.

"Alteration, Significant" means any alteration, destruction, relocation, demolition, or partial demolition that may have a significant adverse effect on the character-defining features of a historic resource. An alteration that is consistent with the Secretary of the Interior's Standards is not generally considered a significant alteration.

"Contributing Resource" means a historic resource that is listed in the historic resources inventory but has not been designated by the City Council as a historic site.

"Historic Context Statement" means a narrative report on the geography, history and culture that shaped Gilroy's built environment and provides the basis for evaluating historic significance and integrity.

"Historic Heritage Committee" means the five (5) members appointed by the city council to act as an advisory board to the city council and planning commission on issues relating to the identification, protection, retention and preservation of historic sites and historic neighborhoods in the City of Gilroy.

"Historic Neighborhood" means an area or combination of sites within the city that has been designated by Resolution of the City Council as a historic neighborhood combining district in accordance with the criteria of this Chapter.

"Historic Resource" means a contributing resource, historic site, or historic neighborhood that is officially listed in the historic resources inventory.

"Historic Resource Inventory" means the official City Council approved register of contributing resources, historic sites, and historic neighborhoods.

"Historic Site" means an object, building, structure, or site that has been designated by Resolution of the City Council as a historic site in accordance with the criteria of this Chapter.

"Mills Act" means a state law enacted in 1972 that grants participating local governments the authority to enter into contracts with owners of a qualified historic resource who actively participate in the rehabilitation and maintenance of the historic resource while receiving property tax relief.

The "Secretary of the Interior's Standards for the Treatment of Historic Properties" (Standards) are principles that promote historic preservation best practices that will help protect Gilroy's historic resources.

Possible Action: Accept or modify staff's suggested amendments to sections 30.27.10 and 30.27.20 and the new definitions section.

Next Steps: Based on feedback from the HHC, staff will return with revised goals (if necessary), further amendments to sections 30.27.10, 30.27.20, and 30.27.25 (if necessary), and recommended edits to additional sections of the Ordinance.

It is staff's intent to go through the entire Ordinance between now and the end of the 2021 calendar year. The entire Zoning Ordinance, including any modifications to Chapter 30.27, are tentatively scheduled to be reviewed by the Planning Commission and City Council at public hearings in mid-2022.

30.27.10 Statement of intent.

The intent of this article is:

- (a) To preserve historic sites and neighborhoods that represent important elements of Gilroy's past or contribute to the community's identity or educational resources;
- (b) To enhance the visual character of Gilroy by encouraging and regulating the compatibility of architectural styles within historic sites and neighborhoods;
- (c) To identify and designate areas that have a significant concentration or continuity of sites, buildings or objects unified by past events or physical development.
- (d) To encourage restoration of historic buildings and neighborhoods throughout the city.

30.27.20 Permitted uses and conditional use permits.

Permitted uses in both the historic site and historic neighborhood combining districts include all uses that are permitted in the base district.

Any use that is listed as a conditional use for the base district may be allowed to locate within a historic site or neighborhood combining district subject to the planning commission making all of the following findings:

- (a) The proposed conditional use is compatible with the historic nature of the property and would require minimal alteration to the building or site; and
- (b) All proposed and/or required alterations would not alter the historic significance of the building or site; and
- (c) The site is adequate to accommodate any required parking, landscaping or other amenities required as a condition of approval of the conditional use permit.

30.27.30 Establishment of historic site and neighborhood combining districts.

The establishment of a historic site or historic neighborhood combining district may be in combination with any residential, commercial, industrial or other base district as defined in this chapter. The establishment or removal of either a historic site or historic neighborhood combining district shall be processed as a zone change. The historic heritage committee shall review all applications for historical designation or removal of historical designation and pass its recommendations on to the planning commission and city council. The zone change fees, which are established from time to time by the city

council, shall be waived for the establishment of, but not the removal of, either a historic site or neighborhood combining district.

(a) Any area or combination of sites within the city may be designated as a historic neighborhood combining district if it meets any one (1) of the following criteria:

(1) The neighborhood possesses a significant concentration or continuity of sites, buildings, structures, or objects unified by past events or physical development; or

(2) The neighborhood represents an established and familiar visual feature of the community; or

(3) The collective historic value of the neighborhood taken together is of greater value than each individual structure.

(b) Any site within the city may be designated as a historic site combining district if it meets any one (1) of the following criteria:

(1) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural history; or

(2) It is identified with persons or events significant in local, state or national history; or

(3) It embodies distinctive characteristics of a style, type, period or methods of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

(4) It is representative of the work of a notable builder, designer or architect.

30.27.40 Design review procedures.

Applications to construct new structures, alter, change, modify, remove or significantly alter the exterior of any structure within a historic site or neighborhood combining district shall require architectural and site approval according to the provisions of section [30.50.40](#). An application shall be denied if the changes would jeopardize the building's or neighborhood's architectural or historical value. Interior remodeling or routine maintenance or repair of the exterior features of a structure in a historic site or historic neighborhood combining district shall not require architectural and site review.

(a) In a historic neighborhood combining district, the design of the following proposed structures or remodeling shall be reviewed according to the provisions of section [30.50.40](#):

(1) Construction of any type of a building that will affect the exterior appearance of the site, neighborhood, or any structure on the site or in the neighborhood;

- (2) New construction;
 - (3) Relocation of any structure in or removal from a historic neighborhood combining district;
 - (4) Remodeling of fifty percent (50%) or more of the facade of any structure.
- (b) In a historic site combining district, but not in a historic neighborhood combining district, the design of the following proposed structures or remodeling shall be reviewed according to the provisions of section [30.50.40](#):
- (1) Exterior alterations to any building;
 - (2) Interior alterations that would affect the exterior of a building;
 - (3) Construction of any type on a building that will affect the exterior appearance of the site, or any structure on the site;
 - (4) New construction;
 - (5) Relocation of any structure into or removal from a historic site combining district.

30.27.50 Demolition procedures.

All demolition applications for historically or culturally important structures located in either a historic site or neighborhood combining district shall be reviewed by the historic heritage committee which shall forward its recommendations to the planning commission. The planning commission shall review the demolition request and either deny it or forward a recommendation of approval to the city council in accordance with sections [30.27.51](#) and [30.27.52](#). Architectural and site approval shall not be given for any new construction until the city council has approved the demolition request, or a demolition permit has been issued by the city, whichever comes first.

Upon application for demolition where a structure or portion of a structure in a historic site or neighborhood combining district has been substantially destroyed by fire, explosion, earthquake or flood, the chief building inspector and planning director, after inspection of the damage, may issue the demolition permit immediately, only when they both determine that there is imminent danger to life, limb or health of the public and the structure is obviously not restorable due to such damage.

30.27.51 Historic neighborhood demolition procedures.

After review of each request for demolition, the planning commission may recommend approval or conditional approval upon making the findings set forth below, or may deny

the request. The planning commission determination for denial shall be final unless a written appeal to the city council is filed within twenty (20) days. If the planning commission recommends approval or conditional approval, the planning director shall forward to the city council the demolition request with the planning commission's recommendation. After review of the request, the city council may approve, conditionally approve or deny the request.

In order to approve or conditionally approve a demolition request within a historic neighborhood combining district, the city council prior to its approval must make the following findings:

- (a) Demolition of the structure will not have a significant impact on the historic character of the neighborhood; or
- (b) The structure proposed for demolition is not restorable.

30.27.52 Historic site demolition procedures.

Within a historic site combining district, nonhistoric accessory buildings may be demolished through the procedure set forth above for structures in a historic neighborhood combining district.

Demolition or relocation of a historically significant structure within a historic site combining district shall first require removal of the historic site combining district designation through the zone change process as provided in this chapter. Removal of the historic site combining district is not required where a historically significant structure would remain on the site, despite the demolition of other historic or nonhistoric structures on the site. A request for demolition or relocation may be processed concurrently with the request for a change of district. In order to approve or conditionally approve a demolition request within a historic site combining district, the historic heritage committee, the planning commission and city council must make the following findings:

- (a) The structure proposed for demolition is not restorable; and
- (b) The applicant has unsuccessfully attempted to preserve the structure through all means available, including, but not limited to:
 - (1) Documented advertisements publicizing the availability of the structure for purchase for restoration purposes; and
 - (2) A map showing investigation into possible sites for relocation of the structure; and
 - (3) Documented letters offering the donation of the structure to nonprofit organizations for relocation.

The planning commission or city council may suspend action on removal of the historic site combining district designation and demolition application for a period not to exceed one hundred eighty (180) days to allow sufficient time for necessary steps to be taken to preserve the structure. Thereafter, the planning commission may recommend approval and the city council may approve the application for removal of the historic site combining district designation and demolition following a determination that no means of preservation is feasible and that the requested zone change is appropriate.

30.27.53 General demolition procedures.

Each request for the demolition of any building over fifty (50) years old which is not in a historic site or neighborhood combining district, but meets any of the four (4) findings of criteria defined under section [30.27.30\(b\)](#) as determined by the planning division, shall be accompanied by one (1) clear photograph, of the front of the building, submitted by the applicant. The age of the structure shall be determined or verified through public records or from an inspection. A demolition permit shall not be issued for such building until the planning director, with assistance from the historic heritage committee, has had a period not to exceed thirty (30) days to investigate, document and photograph the building and attempt to arrange for the preservation of the building. After the expiration of the thirty (30) day period, the permit may be issued in accordance with the building department procedures. The thirty (30) day period may be waived by the chief building inspector where there is imminent danger to life, limb or health of the public which requires immediate demolition.