



Historic Heritage Committee

Agenda

City of Gilroy

VIRTUAL MEETING

VIA ZOOM

GILROY CA 95020

Regular Meeting 6:00 P.M.
Wednesday, January 19, 2022

Historic Heritage Committee Members

Chair: David Matuszak

Vice Chair: Kathleen Chavez

Member: vacant

Council Member Representative:

Rebeca Armendariz

Planning Commissioner Representative:

Adilene Jezabel Moreno

Historic Heritage Committee Materials are available online at www.cityofgilroy.org

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ASSEMBLY BILL 361. MEETING MATERIAL IS AVAILABLE ON THE CITY WEBSITE www.cityofgilroy.org.

Pursuant to California Assembly Bill 361, a local legislative body is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the local legislative body by remote means only via a technology solution. As such, the City will provide various options for the public to participate in the conduct of the meeting, as indicated in detail below on this cover sheet.

In order to minimize the spread of the COVID 19 virus, the City will be offering online conferencing via Zoom, Facebook Live, and telephone for the public to view or listen to this meeting. Written comments can be submitted by email to Marco Romagnoli, Planning Technician, at planningdivision@cityofgilroy.org. Please note that written comments will not be read out loud, but it will be part of the written record.

To Participate via Zoom:

Web Link:

<https://us02web.zoom.us/j/82376565631?pwd=T1ZWWUYwUzNCOTMrU1I4UkVxaXRxdz09>

Or via Telephone: +1 669 900 6833

Webinar ID: 823 7656 5631

Passcode: 243016

To View the Meeting Live on Facebook

Web Link:

<https://www.facebook.com/GilroyCityHallMeetings>

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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 City operations are open to the people's review. **FOR MORE 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**

I. OPEN MEETING

II. PLEDGE OF ALLEGIANCE

III. REPORT ON POSTING THE AGENDA AND ROLL CALL

IV. APPROVAL OF MINUTES: December 15, 2021 Meeting Minutes

V. PRESENTATIONS BY MEMBERS OF THE PUBLIC: (Three-minute time limit).

This portion of the meeting is reserved for persons desiring to address the Historic Heritage Committee on matters not on the agenda. The law does not permit Historic Heritage Committee action or extended discussion of any item not on the agenda except under special circumstances. If Historic Heritage Committee action is requested, the Historic Heritage Committee may place the matter on a future agenda. All statements that require a response will be referred to staff for reply in writing.

VI. OLD BUSINESS:

A. Workplan Item: Historic Ordinance Update

1. Presentation: Cindy McCormick
2. Public Comment:
3. Possible Action: Review final recommended draft amendments to Gilroy City Code Article 27, provide input, and recommend that staff forward the HHC's recommendation to the City's consultant for inclusion in the draft zoning ordinance update being presented to the Planning Commission and the City Council in Summer/Fall 2022.

VII. NEW BUSINESS:

A. HHC Consolidation

1. Presentation: Cindy McCormick

Pursuant to a Resolution adopted by the City Council on January 10, 2022, the City Council has consolidated the City's Historic Heritage Committee, the Housing and Neighborhood Revitalization Committee and

the Street Naming Committee, such that their collective duties will preside with the Planning Commission.

2. Public Comment:
3. Possible Action: Staff recommends that the Chair move to accept the Council Resolution which transfers the activities of the HHC to the Planning Commission and effectively ends the terms of all sitting HHC members.

VIII. ADJOURNMENT



Historic Heritage Committee
STUDY SESSION AGENDA
DECEMBER 15, 2021 at 6:00 P.M.

COMMUNITY DEVELOPMENT CONFERENCE ROOM
7351 ROSANNA STREET GILROY, CA 95020

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

I. OPEN MEETING

Chair Matuszak called the meeting to order at 6:03pm.

II. PLEDGE OF ALLEGIANCE

Chair Matuszak led the pledge of allegiance.

III. REPORT ON POSTING THE AGENDA AND ROLL CALL

Planning Technician Romagnoli posted tonight's meeting agenda on Friday, 12/10/21 at 3:08pm.

Roll Call:

Present – Matuszak, Chavez, Jezabel Moreno

Excused – Armendariz

Absent - Bruesehoff

IV. APPROVAL OF MINUTES:

Motion was made by Vice Chair Chavez, seconded by Planning Commissioner Representative Jezabel Moreno to approve the September 15, 2021 meeting minutes.

Roll Call Vote:

Ayes: Matuszak, Chavez, Jezabel Moreno

Nays: None

Abstain: None

Absent: Armendariz, Bruesehoff

Motion passes 3-0-0-2

V. PRESENTATIONS BY MEMBERS OF THE PUBLIC: (Three-minute time limit).

None.

VI. OLD BUSINESS:

1. Workplan Item: Historic Ordinance Update

Customer Services Manager McCormick presented the staff report.

Discussion was held by the committee members.

Public comment was opened.

Connie Rodgers suggested that the historic ordinance language be amended to be inclusive of historic properties and not just structures.

Chair Matuszak suggested describing the historic structures and properties in separate points in the ordinance.

Public comment was closed.

VII. INFORMATIONAL ITEMS

1. HHC/Planning Commission Consolidation Update

Customer Services Manager McCormick presented the item.

Public comment was opened. None.

VIII. ORAL REPORTS BY MEMBERS OF THE HISTORIC HERITAGE COMMITTEE:

Miscellaneous information and updates (no action)

Vice Chair Chavez requested that a printed report of the Dudek reported be made available to commissioners.

The commissioners discussed Mills Act outreach.

IX. ADJOURNMENT to the Next Regular Meeting of **January 19, 2022 at 6:00 p.m.**

The meeting was adjourned by Chair Matuszak at 6:30pm.



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

7351 Rosanna Street, Gilroy CA 95020

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

www.cityofgilroy.org

DATE: January 19, 2022
TO: Historic Heritage Committee
FROM: Cindy McCormick, Customer service Manager
SUBJECT: Historic Ordinance WorkPlan

RECOMMENDATION:

Review final recommended draft amendments to Gilroy City Code Article 27, provide input on additional modifications if desired, and recommend that staff forward the HHC's recommendation to the City's consultant for inclusion in the draft zoning ordinance update being presented to the Planning Commission and the City Council in Summer/Fall 2022.

BACKGROUND

On August 18th, the Historic Heritage Committee (HHC) began working on their workplan to update [Article 27 - Historic Site and Historic Neighborhood Combining Districts](#).

To date, the HHC has reviewed and accepted the guiding goals for the update (referenced herein) and provided feedback on draft changes to Gilroy City Code Article 27, including but not limited to the statement of intent, new definitions, streamlining of the process to review and approve changes to a historic resource that comply with the Secretary of Interior Standards, a more transparent process for significant alteration or demolition of a historic resource, and codification of the Mills Act Contract process.

Ordinance Update Guiding Goals

The following goals are to be used when recommending changes to the Ordinance:

- 1) Clarify, streamline, and simplify the overall ordinance.
- 2) Eliminate redundancies and superfluous language.
- 3) Define and distinguish City Council designated "historic districts", City Council designated "historic sites", and other "contributing historic 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 historic resource, a designated historic site, or located within a designated historic district.
- 5) Simplify and consolidate the existing standards for demolition.
- 6) Codify the Mills Act Program as an economic incentive for preservation.

DISCUSSION

At the December 15, 2021 meeting, the HHC recommended additional clarification in the Ordinance regarding the term “historic site” since the word “site” is generally synonymous with the word “property”. To better differentiate “historic site” from “contributing historic resource”, staff is recommending that the term “historic site” be replaced with “distinguished historic resource” since these structures only account for 58 of the 360 HRI’s listed resources. The term “distinguished” more clearly represents the hierarchy of these structures on the HRI.

Other clarifying / clean-up language has been added to the draft ordinance including the removal of the term “historic heritage committee”, given the recent consolidation of the committee with the Planning Commission. The intent statement has been condensed and the order of subsections has been slightly modified for better flow.

These final recommendations have been incorporated into the draft ordinance, provided as **Attachment 1**. Staff is open to additional edits as requested by the HHC.

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

30.27.10 Statement of intent.

The intent of this article is:

- (a) To identify, designate, and preserve historic resources that represent important elements of Gilroy's past, increase public awareness of the architectural and cultural heritage of the community, and foster civic pride of the city's preservation efforts.
- (b) To identify and designate historic districts that have a significant concentration or continuity of sites, buildings or objects unified by past events or physical development.
- (c) To encourage the rehabilitation, restoration, and preservation of character defining features of historic resource throughout the city.

30.27.20 Conditional use permits.

Any use that requires a conditional use permit may be allowed to locate within a historic resource subject to the planning commission finding that the proposed use is consistent with the required findings for a conditional use permit, is compatible with the historic nature of the property, and would require minimal alteration to the building or site.

30.27.30 Definitions.

"Alteration" means any exterior modification to a historic resource, including but not limited to a new addition or removal of existing architectural features. As defined herein, alteration does 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.

"Fenestration" means the arrangement, proportioning, and design of windows and doors (i.e., wall openings) in a building.

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

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

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

"Historic Resource Inventory" means the official City Council approved register of historic resources.

"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

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

participate in the rehabilitation and maintenance of the historic resource while receiving property tax relief.

“Ministerial” means a governmental action (e.g., permit issuance) that is based upon established standards, statutes, or legal authority, and that is arrived at objectively, involving little or no personal judgment. A ministerial permit is issued by the Community Development Director or his/her designee. Ministerial projects are exempt from the requirements of CEQA.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

“Rehabilitation” means the process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Rehabilitation is the primary means of preservation in Gilroy and acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

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.

30.27.40 Historic Resource Designation

The designation of a historic resource on the Historic Resource Inventory shall be processed by Resolution of the City Council, following a review and recommendation by the Planning Commission. Fees, which are established from time to time by the city council, shall be waived for the establishment of, but not the rescission of, a historic resource.

(a) **Contributing Historic Resource.** Any structure or property within the city may be designated as a contributing historic resource if it meets one (1) of the following findings:

- (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.

(b) **Distinguished Historic Resource.** Any property within the city may be designated as a distinguished historic resource if it meets the findings for designation as a contributing resource and it meets all of the following additional findings of integrity described in Chapter 7 of the City of Gilroy Historic Context Statement.

- (1) The structure retains the original roofline and roof form; and
- (2) The structure retains the original fenestration pattern; and

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

- (3) The structure retains the majority of its original ornamentation (e.g., decorative trim, ricketed eaves, cornice line); and
- (4) The structure retains its original porch configuration and materials; and
- (5) The structure does not feature conjectural elements (e.g., cladding or elaborate details that are inconsistent with the original period of construction or architectural style); and
- (6) The structure does not have later additions that are visible from the public right-of-way and impact integrity.

(c) **Historic District.** Any area or combination of sites within the city may be designated as a historic district if it meets all of the following findings:

- (1) The district possesses a significant concentration or continuity of sites, buildings, structures, or objects unified by past events or physical development; and
- (2) The district represents an established and familiar visual feature of the community; and
- (3) The collective historic value of the district taken together is of greater value than each individual structure.

30.27.50 Historic Resource Recission.

(a) The rescission of a historic resource from the Historic Resource Inventory shall be processed by Resolution of the City Council, following a review and recommendation by the Planning Commission. The Planning Commission may recommend that a historic resource evaluation report be prepared to determine if the application meets the findings for recission approval.

(b) **Findings for Recission Approval.** Any resource may be removed from the Historic Resource Inventory upon a finding that the object, building, structure, or site no longer meets the required findings for designation, provided in Section 30.27.40 of this Article.

30.27.60 - Historic Resource Minor Exterior Alteration Permit

The intent of historic resource alteration permit review is to provide guidance on the preservation of character defining features of a historic resource. The community development director or designee shall review applications for a historic resource alteration permit and shall be bound by any uniform standards adopted by the city relating to the intent and scope of historic resource alteration review and approval. Interior remodeling that does not affect the building exterior or routine maintenance or repair of the exterior features of a historic resource shall not require a historic resource alteration permit.

(a) **Historic Resource Minor Alteration Permit Review.** Applications to alter the exterior of any historic resource shall require review for significance. An alteration that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties is not generally considered a significant alteration and can be processed with a historic resource minor alteration permit. The Community Development Director may recommend that a historic

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

resource evaluation report be prepared to determine if the project meets the findings for approval. An application that would have a significant adverse effect on a historic resource shall require historic resource demolition/significant alteration permit approval pursuant to this Article.

(b) Ministerial Approval. If the Community Development Director or designee determines that the application meets the findings for approval identified in this Article, the historic resource minor alteration permit shall be approved ministerially.

(c) Planning Commission Review. If the Community Development Director or designee cannot make the findings for approval, the application shall be referred to the Planning Commission for review. The Planning Commission may recommend that a historic resource evaluation report be prepared to determine if the project meets the findings for approval. The Planning Commission shall consider the recommendation of the Community Development Director and any historic evaluation report prepared for the application and shall either approve, approve with modification, or deny the historic resource alteration permit application, based on the findings for approval identified in this Article.

(d) Recommended Modifications. In recommending approval of a historic resource minor alteration permit application, the Community Development Director or the Planning Commission may suggest reasonable and necessary modifications to the proposed alterations, intended to ensure that the application will comply with the Secretary of the Interior's Standards.

(e) Findings for Approval. A historic resource minor alteration permit shall be approved upon making all of the following findings:

- (1) The proposed action is consistent with the purposes of this Article, the applicable requirements of the Municipal Code, and the General Plan;
- (2) The proposed action will not have a significant adverse effect on the collective historic value of a designated historic district within which the historic resource is located; and
- (3) The proposed action will not have a significant adverse effect on the character-defining features of the historic resource and is consistent with the Secretary of the Interior's Standards, as follows:
 - a. The proposed action will preserve and retain the historic character of the historic resource and will be compatible with the existing historic features, size, massing, scale and proportion, and materials.
 - b. The proposed action will, to the greatest extent possible, avoid removal or significant alteration of distinctive materials, features, finishes, and spatial relationships that characterize the historic resource.
 - c. Deteriorated historic features will be repaired rather than replaced to the greatest extent possible.
 - d. New additions will be differentiated from the historic resource and will be constructed such that the essential form and integrity of the historic resource shall be protected if the addition is removed in the future.

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

30.27.70 Historic Resource Demolition/Significant Alteration Permit

(a) Planning Commission Review. All applications to demolish or significantly alter a historic resource shall require review and approval by the Planning Commission. The Planning Commission shall consider the recommendation of the Community Development Director and any historic evaluation report prepared for the application and shall either approve, approve with modification, or deny the application, based on the findings for approval identified in this Article.

(b) Findings for Approval. A historic resource demolition/significant alteration permit shall be approved upon making the following findings:

- (1) The building official or fire chief certifies the action is required for the public safety due to an unsafe or dangerous condition; or
- (2) The historic resource has been substantially destroyed by fire, explosion, earthquake or flood and the building official certifies that the structure is not restorable due to such damage; or
- (3) The proposed action is consistent with the purposes of this Article, the applicable requirements of the Municipal Code, and the General Plan; and
- (4) The resource no longer meets the historic designation criteria identified in this Article and the historic character of the structure proposed for demolition or significant alteration cannot be restored without immediate and significant economic hardship to the property owner; and
- (5) The demolition or significant alteration is exempt from CEQA, has been mitigated to a less than significant impact, or has otherwise complied with the CEQA statute including but not limited to preparation of an Environmental Impact Report, as necessary.

(e) Preservation. The planning commission or city council may suspend action on a historic resource demolition/significant alteration permit 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. In approving a historic resource demolition/significant alteration permit, the Planning Commission or City Council may recommend that the property owner preserve the structure, or portions of the structure through all means available, including, but not limited to:

- (1) Retaining and reusing materials or offering materials for salvage if the materials are not able to be retained in some capacity;
- (2) Photographing or otherwise documenting any remaining historic features;
- (3) Documented advertisements publicizing the availability of the structure for purchase for restoration purposes;
- (4) A map showing investigation into possible sites for relocation of the structure; or
- (5) Documented letters offering the donation of the structure to nonprofit organizations for relocation.

(f) Rescission. Upon approving the demolition or significant alteration, the structure shall be removed from the Historic Resource Inventory by Resolution of the City Council.

Attachment 1 - Draft amendments - Article XXVII (Historic Resources)

30.27.80 Mills Act Contract

(a) To foster and encourage the preservation, maintenance, rehabilitation, and restoration of historic resources, the City Council may, by resolution at its sole discretion, approve a Mills Act contract for any property that is listed, or recommended for listing, on the City's Historic Resource Inventory.

(b) Mills Act contracts are recorded against the property title, have a contract term of ten (10) years with automatic annual extensions, and may be cancelled by the City if it is determined that the owner, or any subsequent owner, has breached any mandatory conditions of the contract.

(c) The owner, and subsequent owners, shall maintain the historic property in accordance with the Mills Act Contract, the preservation plan, and Secretary of the Interior's Standards for Rehabilitation.