

1. 6-16-21 Historic Heritage Committee Regular Meeting - Agenda Packet

Documents:

[2021.06.16 HHC AGENDA.PDF](#)



## Historic Heritage Committee Meeting Agenda June 16, 2021 at 6:00 P.M.

### HISTORIC HERITAGE COMMITTEE MEMBERS

Chair: David Matuszak  
Vice Chair: Kathleen Chavez  
Member: Ian Bruesehoff  
Council Member Representative:  
Carol Marques

Council Member Representative:  
Rebecca Armendariz  
Planning Commissioner Representative:  
Fabian Morales Medina

### **PUBLIC PARTICIPATION IN THIS MEETING WILL BE LIMITED.**

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](http://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:

**[VIEW THE MEETING LIVE ON FACEBOOK](https://www.facebook.com/GilroyCityHallMeetings)**  
**<https://www.facebook.com/GilroyCityHallMeetings>**

**PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE HISTORIC HERITAGE COMMITTEE. COMMENTS MAY BE EMAILED PRIOR TO OR DURING THE MEETING TO CHRISTINA RUIZ AT [christina.ruiz@cityofgilroy.org](mailto: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, JUNE 16, 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.

- I. OPEN MEETING
- II. PLEDGE OF ALLEGIANCE

- III. **REPORT ON POSTING THE AGENDA AND ROLL CALL**
- IV. **APPROVAL OF MINUTES:**

- A. March 17, 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: None**

- VII. **NEW BUSINESS:**

- A. **Historic Heritage Committee Annual Report to City Council (July 1)**

- 1. Presentation: Cindy McCormick
    - 2. Public Comment:
    - 3. Possible Action: Discuss and modify/approve annual report content.

- B. **Introduce Historic Ordinance Update**

- 1. Presentation: Cindy McCormick
    - 2. Public Comment:
    - 3. Possible Action: Review Ordinance and provide input on potential update

- IX. **INFORMATIONAL ITEMS: None**

- X. **ORAL REPORTS BY MEMBERS OF THE HISTORIC HERITAGE COMMITTEE:**

Miscellaneous information and updates (no action)

**ADJOURNMENT** to the Next Regular Meeting of **July 21, 2021 at 6:00 p.m.**

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| 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](mailto:cityclerk@cityofgilroy.org)

# Historic Heritage Committee Meeting March 17, 2021 at 6:00 P.M.

## **I. OPEN MEETING**

Chair David Matuszak called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

## **II. PLEDGE OF ALLEGIANCE**

## **III. REPORT ON POSTING THE AGENDA AND ROLL CALL**

Management Assistant, Christina Ruiz reported the agenda for the Regular Historic Heritage Committee meeting of March 17, 2021 was posted on Friday, March 12, 2021 at 10:35 a.m.

Roll Call:

Present: Committee Member Bruesehoff, Council Member Leroe-Muñoz, Planning Commission Member Morales Medina, and Chair Matuszak.

Excused Absence: Committee Member Chavez

## **IV. APPROVAL OF ACTION MINUTES February 17, 2021 Meeting Minutes**

Motion was made by Commissioner Leroe-Muñoz, seconded by Commissioner Morales Medina to consent the minutes from the Regular Historic Heritage Committee Meeting on February 17, 2021.

Aye's: Bruesehoff, Leroe-Muñoz, Morales Medina, Matuszak

No's: None

Abstain: None

Absent: Chavez

Vote: Motion Carried 4-0-0-1

## **V. PRESENTATION BY MEMBERS OF THE PUBLIC:**

Chair Matuszak opened public comment.

There were no public comments for items not on the agenda.

Chair Matuszak closed public comment.

## **VI. OLD BUSINESS – None**

**VII. NEW BUSINESS - None**

**VII. INFORMATIONAL ITEMS:**

**A. Historic Heritage Committee Training - March 17, 2021**

Senior Planner, Cindy McCormick provided a brief training for the committee's consideration. This included but was not limited to the: 2019 Board, Commission and Committee Handbook, Powers & Roles, Decision Making and Standards.

**IX. ORAL REPORTS BY MEMBERS OF THE HISTORIC HERITAGE COMMITTEE –**

No report.

**ADJOURNEMENT** at 6:25 p.m. to the next Regular Meeting of April 21, 2021 at 6:00 p.m.

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Christina Ruiz, Management Assistant



# City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT

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

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**DATE:** June 16, 2021

**TO:** Historic Heritage Committee

**FROM:** Cindy McCormick, Senior Planner

**SUBJECT:** Council Presentation (July 1) and Historic Ordinance Review / Update

**Council Presentation:** On July 1, the HHC is invited to attend the City Council meeting where Chair Matuszak will present the Committee's past activities and accomplishments and provide a brief overview of the FY2022-2023 HHC Workplan. The 2022-2023 fiscal year is July 2021 to July 2023. The draft powerpoint presentation is attached for review and modification as needed. Any changes must be voted on the evening of June 16<sup>th</sup>.

Possible Action: Discuss and modify/approve annual report content.

**Ordinance Update:** 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 in the permitting process. 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 as a historic site or historic district. There is also no clear process for rescinding structures from the HRI that are no longer eligible for listing.

Possible Action: Review Ordinance and provide input on potential update

# Historic Heritage Committee

## 2020-2021 Annual Report

# Committee Overview

The purpose and intent of the historic heritage committee is 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.

## Committee Members

- Dave Matuszak (Chair)
- Kathleen Chavez (Vice Chair)
- Ian Bruesehoff
- Fabian Morales Medina (Planning Commission Rep)
- Rebecca Armendariz (Council Representative)
- Peter Leroe-Muñoz (Past Council Representative)

# 2020 – 2021 Actions & Activities

- Historic Resource Inventory Update and Context Statement
- Project Review: 7533 Monterey façade modification
- Project Review: 7511 Monterey façade modification
- Welcomed two new HHC Members
- HHC Training: Bylaws, Meeting Management, and Decision Making 101

# FY 22-23 Committee Workplan

- Continue to review potential impacts from historic site and historic neighborhood projects
- 2021: Historic Ordinance Update
- 2022: Begin community outreach regarding Historic Resource Inventory recommendations (additions / deletions)
- 2022: Mills Act Contract Compliance Review (post COVID)

# Historic Resource Ordinance

## 2021 Workplan

- Clarification and Streamlining
  - Contributing Structures vs. Historic Sites & Districts
  - Historic Sites/Districts Designation & Rescission Process
- Design Standards for consistency / transparency

# Historic Resource Inventory Update and Context Statement

- HHC Review / Recommendation: May 20, 2020
- Planning Commission : July 9, 2020
- City Council Accepted: August 17, 2020

## 2022 WorkPlan:

- Community Outreach / Public Meetings
  - Dudek Recommended to remove from HRI
  - Dudek Recommended to add to HRI
  - Community recommendations

# Mills Act Contract Compliance

## 2022 Workplan

- (Consultant Contract November 2019, delayed COVID)
  - Develop Annual and 5-Year reporting requirements
  - Outreach to property owners
  - Inspect properties for compliance with contract
  - Create status reports for each property
  - Create digital registry of property compliance

# Questions ?



# City of Gilroy

## HISTORIC HERITAGE COMMITTEE FY 2022 – 2023 WORKPLAN

**Zoning Ordinance Update:** [Article 27 - Historic Site and Historic Neighborhood Combining Districts](#) will benefit from clarification and streamlining in the permitting process. For example, the Ordinance does not currently differentiate between “contributing structures” on the HRI and those structures that have been designated as a historic site or historic district. There is also no clear process for rescinding structures from the HRI that are no longer eligible for listing.

Next Steps: HHC review and recommendations are scheduled to take place between July and November 2021. This project will involve homeowner outreach and requires review & recommendation by the Planning Commission and approval by the City Council.

**Historic Resource Inventory:** The City’s Historic Consultant has completed the Historic Context Statement for the City and has provided the Committee and the City Council with recommendations on properties that should be added or removed from the City’s Historic Resource Inventory.

Next Steps: HHC review and recommendations are scheduled to take place between January 2022 and November 2022. This project will involve homeowner outreach and requires review & recommendation by the Planning Commission and approval by the City Council.

**Mills Act Contract compliance review:** The City has hired a consultant to investigate each Mills Act property for adherence to the City of Gilroy’s Mills Act requirements. This work will result in a comprehensive report that includes any change of ownership (change of ownership can be an indicator of lapse in knowledge/upkeep of property); permit history for new additions; inspections and photographs of properties with Mills Act Contracts (done via appointment with owner); a digital registry and spreadsheet containing current status/compliance status and future inspection dates; an individual report for each property documenting the findings of the inspection and current contract conformance status and remediation steps (if any).

Next Steps: HHC review and recommendations are scheduled to take place between January 2022 and November 2022. This project will involve homeowner outreach and inspections. The results will be presented to the City Council upon completion.

## **ARTICLE XXVII. HISTORIC SITE AND NEIGHBORHOOD COMBINING DISTRICTS**

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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.
- (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13; Ord. No. 2015-02, § 1, 5-4-15)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

### **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. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)