

**Historic Preservation Board
REGULAR MEETING AGENDA
Wednesday, February 23, 2022 | 5:00 PM
City Hall Council Chamber – 70 N. First Street**

CALL TO ORDER / ROLL CALL

This Historic Preservation Board (HPB) meeting will be conducted in person as well as electronic telecommunication and is compliant with the provisions of the Brown Act.

Members of the public may attend this meeting in person at Campbell City Hall. If attending in person, face coverings and physical distancing will be required until further notice. The meeting may also be attended virtually via Zoom at: <http://www.campbellca.gov/HPBsignup>.

A video recording will be available on the City of Campbell YouTube Channel at: <https://www.youtube.com/user/CityofCampbell> following the meeting.

Written correspondence may be delivered to Historic Preservation Board at, or prior to, the Public Hearing by email to planning@campbellca.gov. Questions may be addressed to Senior Planner Daniel Fama, Board Secretary, at (408) 866-2193 or danielf@campbellca.gov.

APPROVAL OF MINUTES

1. **Approval of Minutes of September 22, 2021** (*Voice Vote*)
 - Meeting Minutes, 9/22/2021
2. **Approval of Minutes of January 26, 2022** (*Voice Vote*)
 - Meeting Minutes, 01/26/2022

ORAL COMMUNICATIONS

This portion of the meeting is reserved for individuals wishing to address the Board on matters of community interest that are not listed on the agenda. In the interest of time, the Chair may limit speakers to three minutes. Please be aware that State law prohibits the Board from acting on non-agendized items, however, the Chair may refer matters to staff for follow-up.

BOARD/STAFF ANNOUNCEMENTS

Board Members and/or staff may make announcements on matters related to historic preservation and promotion.

NEW BUSINESS

PUBLIC HEARINGS**3. 705 El Patio Dr. – Tier 1 Historic Resource Alteration Permit** *(Resolution/Roll Call Vote)*

Continued Public Hearing to consider the Application (PLN-2021-70) of Nicholas and Andrea Key to rescind the listing of **705 El Patio Drive** as a Structure of Merit from the City of Campbell Historic Resource Inventory (HRI). Staff is recommending that this project be deemed Catorgically Exempt under CEQA. *Project Planner:* Daniel Fama, Senior Planner

- Staff Report

OLD BUSINESS**4. Mills Act *ad hoc* Subcommittee Report and Program Update Discussion**

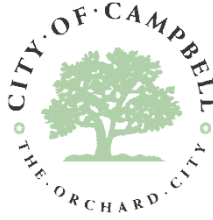
Staff and/or the Subcommittee will report on the status of the Mills Act Program.

ADJOURNMENT

Adjourn to the next regularly scheduled Historic Preservation Board meeting of **March 23, 2022**, at 5:00 PM, in the City Hall Council Chambers, 70 North First Street, Campbell, California and via telecommunication.

Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, listening assistance devices are available for meetings held in the Council Chambers. If you require accommodation to participate in the meeting, please contact the City Clerk's Office at ClerksOffice@campbellca.gov or 408-866-2117 in advance of the meeting.



Historic Preservation Board
REGULAR MEETING MINUTES
Wednesday, September 22, 2021 | 5:00 PM
Zoom Meeting

CALL TO ORDER

The Regular Historic Preservation Board meeting of September 22, 2021, was called to order at 5:00 p.m., via Zoom, by Chair Foulkes, and the following proceedings were had to wit.

ROLL CALL

HPB Members Present:
Michael Foulkes, Chair
Todd Walter, Vice Chair
Susan Blake
Laura Taylor Moore

HPB Members Absent
None

Staff Members Present:
Rob Eastwood, Community Development Director
Daniel Fama, Senior Planner
Corinne Shinn, Recording Secretary

AGENDA MODIFICATIONS OR POSTPONEMENTS

Planner Daniel Fama directed the Board to open up Item 2 and continue that item to a date uncertain.

APPROVAL OF MINUTES

1. Approval of Minutes of June 23, 2021.

Motion: Upon motion of Vice Chair Walter, seconded by Member Moore, the Historic Preservation Board approved the minutes of the meeting of June 23, 2021, as submitted, by the following roll call vote:

AYES: Blake, Foulkes, Moore, and Walter
NOES: None
ABSENT: None
Abstain: None

ORAL REQUESTS

None

BOARD AND STAFF ANNOUNCEMENTS

Planner Daniel Fama:

- Advised the Board that their app publisher has transition to a new platform prototype. He will demonstrate the updated HPB app at their next meeting.

Vice Chair Walter asked updating about the last Council meeting.

Planner Daniel Fama said that update could be covered during the Mills Act Ad Hoc Subcommittee update later in the agenda.

PUBLIC HEARINGS

2. **705 El Patio Dr. – Tier 1 Historic Resource Alteration Permit** (*Resolution/Roll Call Vote*)

Public Hearing to consider the application of Nicholas Key for a Tier 1 Historic Resource Alteration Permit (PLN-2021-160) to allow the construction of an approximately 525 square-foot rear addition to a Structure of Merit located at **705 El Patio Drive** in the R-1-6 (Single-family Residential) Zoning District. Staff is recommending that this project be deemed Categorically Exempt under CEQA.
Project Planner: Daniel Fama, Senior Planner

Planner Daniel Fama provided the staff report as follows:

- Reported that the application/owner of 705 El Patio Drive re-stuccoes this structure, work that would have required a permit. There were other alterations done.
- Advised that staff has consulted with Mark Sandoval and spoke with the applicant.
- Said that a quote has been received for the evaluation to be done by Mr. Sandoval and Mr. Key will provide a deposit to cover the expense of that review and report.
- Added that staff will be working with Mr. Key on what the next steps will be.
- Suggested that Chair Foulkes open the public hearing and allow anyone to speak to this item.
- Advised that the project architect, Mr. Nelson, is here.

Chair Foulkes opened the Public Hearing for Agenda Item No. 2.

Chair Foulkes closed the Public Hearing for Agenda Item No. 2.

Vice Chair Walter said that this applicant had been asked to use materials that are different in order to differentiate the original house from the addition. This is too much alike.

Planner Daniel Fama suggested that discussion be tabled for when this matter is brought back to the Board. He added that it is the Board's purview to conclude on that requirement to differentiate the materials.

Chair Foulkes:

- Said that the Board will have to see how we see this lack of differentiation. We have seen enough examples to this point.
- Pointed out that different cities do it (differing materials between original and additions) in different ways.
- Added that it is on a project-by-project basis now. The Board will share its views on what's best and what's discretionary.

Planner Daniel Fama suggested the scheduling of a study session to discuss.

Motion: Upon motion of Member Blake, seconded by Member Moore the Historic Preservation Board CONTINUED TO A DATE UNCERTAIN the consideration of a Tier-1 Historic Resource Alteration Permit (PLN-2021-160) to allow the construction of an approximately 525 square-foot rear addition to a Structure of Merit located at 705 El Patio Drive, by the following roll call vote:

AYES: Blake, Foulkes, Moore, and Walter

NOES: None

ABSENT: None

ABSTAIN: None

OLD BUSINESS

3. **Mills Act *ad hoc* Subcommittee Report and Program Update Discussion:** The Subcommittee will provide a monthly update of its activities to the Board.

Planner Daniel Fama:

- Advised that the City Council approved three Mills Act Contract applications. The extending the maximum number of contracts up from 10 to 11 in order to approve all three applications submitted for consideration at this meeting.
- Added that Council indicated support for the review/audit of existing Mills Act Contract properties. That assignment will be split.

Chair Foulkes:

- Said splitting that task makes sense.
- Asked if all Mills Act Contract holders have complied with the submittal of required material.

Planner Daniel Fama replied yes.

Vice Chair Foulkes:

- Affirmed that all required information has been submitted and the Subcommittee will go through and firm the information is accurate.
- Pointed out that the property owners' submittal materials are not all at the same level of completeness.
- Said that the Subcommittee, after reviewing the material, will let the owners know the information that is lacking/missing.

Planner Daniel Fama:

- Said there are files for all existing contracts.
- Stated that a letter would go out requiring a standardized format.
- Added that they will need to go over each file item by item. There will likely be some gaps in information provided.
- Pointed out that these property owners submitted their materials directly to the County with the assumption the City would get copies too.
- Said that the new information just provided will be cross compared to the respective existing contracts.
- Cautioned that the earlier contracts didn't have very complete work plans so they will be harder to judge.

Chair Foulkes:

- Questioned whether only the Subcommittee should review this material or should all members of the Board handle some by parceling them out amongst the four of us?

Planner Daniel Fama said it might be too subjective to parcel out the review to too many. A new spreadsheet will be populated to best compare.

Vice Chair Walter said that is what they had started to do. They have information for four properties to do.

Planner Daniel Fama:

- Shared his computer screen (remote meeting) to show a letter sent out on February 14, 2020, just before COVID.
- Added the letter required submittal of a complete reporting form, invoices, photographs, and copies of materials that had previously been sent by owners to the County.

Vice Chair Walter said that the County didn't share that submitted material and didn't keep it. It is gone.

Planner Daniel Fama clarified that even if the County still had the material submitted, they would not have shared that material with the City.

Vice Chair Walter said that the new material identifies expenses and will help close holes in the reporting with help from the property owners.

Member Moore asked if in future the property owners report to us (City), and we then give the information to the County.

Planner Daniel Fama said he believes the County wants to get out of collecting this reporting material.

Member Blake said they property owners can just submit to both the City and the County each year.

Planner Daniel Fama said the Subcommittee and he would meet. They can come into City Hall to meet if they are comfortable doing so.

Member Blake said she would be fine with that as she is fully vaccinated.

Vice Chair Walter said that with 11 contracts issued, our Mills Act Contracts are fully assigned. There will be no more at this point.

Planner Daniel Fama said that is correct. Council made a one-time exception to add one more contract to provide it to the three properties the HPB had forwarded to them for selection.

Member Blake asked if those three new contracts are 10-year.

Planner Daniel Fama said that we would need to issue a “notice of non-renewal” to these three new Mills Act Contracts to set the specific 10-year expiration date.

Vice Chair Walter asked if the non-renewal notices can be sent to the other eight existing contact holders.

Daniel Fama replied that Council did not assign that.

Vice Chair Walter:

- Said the Subcommittee has been going through the agenda created last year and reviews each section to create a more defined guideline.
- Added that one packet identifies all 15 to 16 items there.
- Stated that final changes will be coordinated with Planner Daniel Fama and the final written format of the document completed with the key things we want to have in there.

Member Blake:

- Said that other tasks underway are a draft checklist for the revised application, revised FAQ’s (Frequently Asked Questions) document, revised conditions of approval and the review of the ranking system/matrix.

Chair Foulkes said that is great. He added that we got Council’s attention on this.

Planner Daniel Fama said that once the audit is complete we will find a way to forward it on to Council. It will have to be prioritized and added to a work plan.

Member Blake said she was happy with the Council meeting result and the revised set of direction being developed for the Mills Act program.

Chair Foulkes asked if there was anything else to add on this matter.

There was none.

Chair Foulkes asked if there are any items for the October meeting.

Planner Daniel Fama:

- Advised that there currently are no items ready for the October 27th meeting.
- Said that perhaps 705 El Patio could go to that meeting but that depends on when Mark Sandoval is available to do the evaluation of that property.
- Admitted it was less likely that the October meeting would occur.

Member Blake added that the November 24th meeting will not occur, as scheduled, due to its proximity to the Thanksgiving Holiday. Therefore, the next meeting will occur on December 8th.

Planner Daniel Fama said he didn't want to hold up Mr. Key to December so perhaps a special meeting could be arranged sooner than December 8th.

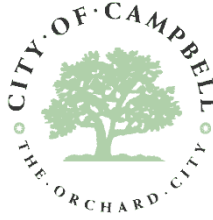
ADJOURNMENT

Adjourned at 6 p.m. to the next Regular Historic Preservation Board meeting scheduled for **October 27, 2021**, at 5:00 PM, using Zoom.

PREPARED BY: _____
Corinne Shinn, Recording Secretary

APPROVED BY: _____
Michael Foulkes, Chair

ATTEST: _____
Daniel Fama, HPB Staff Liaison



Historic Preservation Board
REGULAR MEETING MINUTES
Wednesday, January 26, 2022 | 5:00 PM
City Hall Council Chamber – 70 N. First Street

CALL TO ORDER

The Regular Historic Preservation Board meeting of January 26, 2022 was called to order at 5:00 p.m. by Chair Foulkes, and the following proceedings were had to wit.

ROLL CALL

HPB Members Present:

Michael Foulkes, Chair
Susan Blake
Rob Corteway

HPB Members Absent

Todd Walter, Vice Chair
Laura Taylor Moore

Staff Members Present:

Rob Eastwood, Community Development Director
Daniel Fama, Senior Planner
Abby Jones, Executive Assistant to the Community Development Director
Andrea Sanders, Interim Recording Secretary

AGENDA MODIFICATIONS OR POSTPONEMENTS

None

INTRODUCTIONS

1. Introduction of new Historic Preservation Board Member, Rob Corteway.

New Board Member Corteway introduced himself and Chair Foulkes and Member Blake welcomed him to the Board.

APPROVAL OF MINUTES

2. Approval of Minutes of September 22, 2021

Due to a lack of voting quorum, approval of the September 22, 2021, minutes was deferred.

ORAL REQUESTS

None

BOARD AND STAFF ANNOUNCEMENTS

Planner Daniel Fama: Introduced Abby Jones as the new temporary Executive Assistant to the Community Development Department.

Board Member Blake noted that she met with Alan Hicks who is seeking landmark designations for the Ainsley Corporation Headquarters located at 43 Harrison Ave. The property is listed on the Historic Inventory Resource (HRI).

Board Member Blake noted that she had spoken to property owners at 58 S. Third Street who are interested in replacing windows. Board Member Blake provided them design guidelines as well as resources to companies that can provide appropriate architectural design and energy efficient products.

NEW BUSINESS

3. **Election of 2022 Chair and Vice Chair** (*Roll Call Vote*)

The Board will elect the Chair and Vice Chair for 2022.

Due to the number of cancelled meetings in the 2021 year, the Board discussed keeping Mike Foulkes as Chair and Todd Walter as Vice Chair in the 2022 year.

Motion: Upon motion of Member Corteway, seconded by Member Blake the Historic Preservation Board elected Mike Foulkes as Chair and Todd Walter as Vice Chair for the 2022 calendar year, by the following roll call vote:

AYES: Blake, Corteway, Foulkes

NOES: None

ABSENT: Moore, Walter

ABSTAIN: None

4. **2022 HPB Meeting Schedule** (*Resolution/Roll Call Vote*)

The Board will review and approve the proposed 2022 meeting schedule.

The Board discussed any potential conflicts with the proposed 2022 meeting schedule. Seeing none, the Board motioned to approve the item.

Motion: Upon motion of Member Blake, seconded by Member Corteway the Historic Preservation Board approved the 2022 HPB Meeting Schedule, by the following roll call vote:

AYES: Blake, Corteway, Foulkes

NOES: None

ABSENT: Moore, Walter

ABSTAIN: None

PUBLIC HEARINGS

5. **705 El Patio Dr. – Tier 1 Historic Resource Alteration Permit** (Resolution/Roll Call Vote)

Public Hearing to consider the Application (PLN-2021-70) of Nicholas & Andrea Key to rescind the listing of a Structure of Merit located at 705 El Patio Drive, from the City of Campbell Historic Preservation Inventory. Staff is recommending that this project be deemed Categorically Exempt under CEQA. Project Planner: Daniel Fama, Senior Planner

Planner Daniel Fama provided the staff report as follows:

- This is a request from the property owner at 705 El Patio Drive to rescind the historic designation of his property from the Historic Resource Inventory. (HRI)
- The property was built in the 1930's and added to the HRI in 2012.
- At its 9/22/21 meeting the HPB was scheduled to consider an application for a Tier-1 Historic Resource Alteration Permit to allow the construction of an approximately 525 square-foot rear addition to a Structure of Merit at 705 El Patio Drive. However, this item was deferred to a date uncertain due to staff learning that alterations were previously made to the property that were not included in scope of the application.
- The property owners unpermitted modifications significantly altered the appearance of the home to the extent that it is not recognizable from the original structure.
- Mark Sandoval Architectural Advisor to the City evaluated the structure to see if it still satisfies the criteria for listing on the HRI. He determined there was a loss of historic integrity and that the City should consider removal of the property from the HRI.
- Staff will bring forward a future Zoning Code Update to the City Council that could provide greater penalties to deter unpermitted work.

In response to an inquiry from Board Member Corteway, Planner Fama stated that the work done on the property would have required a building permit and the façade work would have required a historic resource alteration permit, neither of which were approved.

Chair Foulkes opened the Public Hearing for Agenda Item No. 5.

Applicant Nicholas Key provided information on the property as follows:

- Felt as a property owner there are a lack of benefits to having it on the HRI.
- Mr. Key noted background from the 2012 HPB minutes when the property was added to the HRI.
- He stated he purchased the home in 2019 with the intention of expanding dramatically and was not fully aware of the obligations required in owning a historic home.
- He described some of the alterations he and a day laborer completed on the home and the reasoning for the modifications.
- He referenced Mr. Sandoval's report stating that it is infeasible to replace the integrity of the home to its original state.
- Mr. Key requested that his home be removed from the HRI.

Board Members asked questions of the applicant related to the alterations that were made, who preformed the work and when the applicant notified the City of the work that had been done.

Katie Corwin, Campbell resident spoke in support of the work done on the property. Ms. Corwin believes it will increase the property values in the neighborhood and feels that it gives a nice aesthetic to the property.

Chair Foulkes closed the Public Hearing for Agenda Item No. 5.

Board Member Blake expressed disappointment in the proposed outcome. The Board discussed if there was a creative remedy to maintain some of the historic value in the home. It was determined that too many alterations had been made at this point. They encouraged the owner to maintain the chimney the way it is now.

Due to the absence of two Board Members and this item being a unique situation with such a big precedent, the Board discussed continuing this item to a future date when all Board Members were present. As there was a quorum to render a decision, moving forward with a decision was also discussed.

Motion: **Upon motion of Member Blake, seconded by Member Corteway the Historic Preservation Board continued this item to the next HPB regular meeting to be held on February 23, 2022, to consider the Application (PLN-2021-70) of Nicholas & Andrea Key to rescind the listing of a Structure of Merit located at 705 El Patio Drive, from the City of Campbell Historic Preservation Inventory., by the following roll call vote:**

AYES: **Blake, Corteway, Foulkes**
NOES: **None**
ABSENT: **Moore, Walter**
ABSTAIN: **None**

OLD BUSINESS

6. Mills Act *ad hoc* Subcommittee Report and Program Update Discussion

The Subcommittee will provide a monthly update of its activities to the Board.

Board Member Blake:

- Reported that the Mills Act site visits were complete in December. Photo documentation of existing conditions based on workplan items were provided to Planner Fama and property owners.
- Stated that she was contact by new homeowners who had properties on the HRI. She provided them DPR sheets and relevant design guidelines for their architectural style. Both property owners expressed interest in applying for the Mills Act when additional contracts become available.

Planner Daniel Fama:

- The three Mills Act contracts that were approved last year by the City Council have been signed but not yet recorded. A notice of Non-Renewal template will need to be created that terminates the contract after 10 years.

Chair Foulkes:

- Reported that Board and Commission Chairs met with former Mayor Gibbons were HPB work, roles and responsibilities were discussed.
- Due to low Planning Department staff levels and resources Mills Act updates may have to be put on hold.

ADJOURNMENT

Adjourned at 6:10 PM to the next Regular Historic Preservation Board meeting scheduled for February 23, 2022, at 5:00 PM, in the City Hall Council Chambers, 70 North First Street. Campbell, California

PREPARED BY:

Andrea Sanders, Interim Recording Secretary

APPROVED BY:

Michael Foulkes, Chair

ATTEST:

Daniel Fama, HPB Staff Liaison



CITY OF CAMPBELL · HISTORIC PRESERVATION BOARD
Staff Report · FEBRUARY 23, 2022

PLN-2021-70 Continued Public Hearing to consider the Application (PLN-2021-70) of
Key Nicholas and Andrea Key to rescind the listing of **705 El Patio Drive** as a
Structure of Merit from the City of Campbell Historic Resource Inventory
(HRI). (*Resolution/Roll Call Vote*)

STAFF RECOMMENDATION

That the Historic Preservation Board take the following action:

1. **Make a Motion**, to continue the public hearing to March 23, 2022.

DISCUSSION

The Historic Preservation Board considered this request at its meeting of January 26, 2022 (reference **Attachment 1** – Staff Report). Due to the unexpected absence of two Board Members, the Board continued the public hearing to the next regular meeting for additional discussion. Staff is requesting the hearing be continued to the March 23, 2022 meeting to allow additional time to develop, in conjunction with the City Attorney, recommended conditions that would require monetary compensation in exchange for removal of the historic resource from the HRI. As additional time is needed for staff to review this option, and provide an updated recommendation to the Board, continuance of the public hearing is requested.

Attachments:

1. Staff Report, dated January 26, 2022

Prepared by:

Daniel Fama, Senior Planner

Approved by:

Rob Eastwood, Community Development Director



**CITY OF CAMPBELL • HISTORIC PRESERVATION BOARD
Staff Report • JANUARY 26, 2022**

PLN-2021-70 Key Public Hearing to consider the Application (PLN-2021-70) of Nicholas and Andrea Key to rescind the listing of **705 El Patio Drive** as a Structure of Merit from the City of Campbell Historic Resource Inventory (HRI). (*Resolution/Roll Call Vote*)

STAFF RECOMMENDATION

That the Historic Preservation Board take the following action:

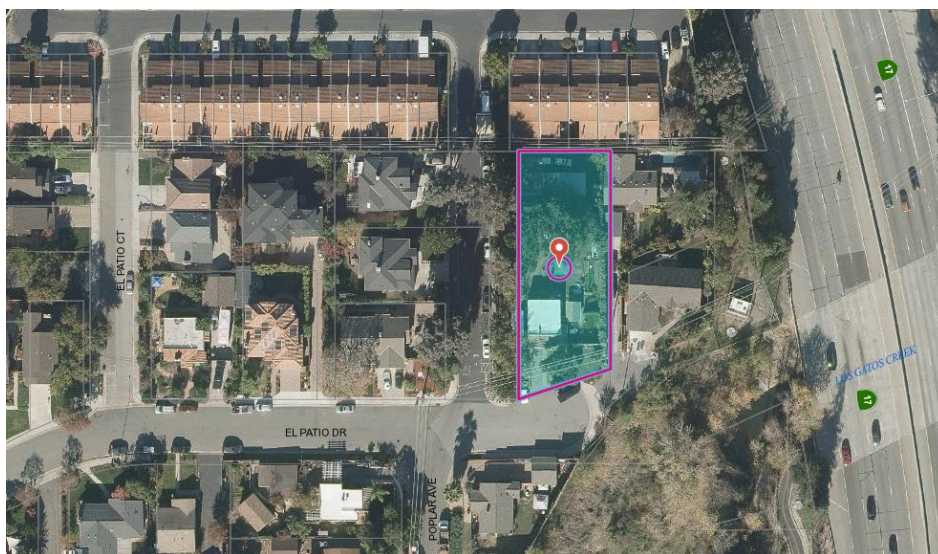
1. **Adopt a Resolution** (reference **Attachment 1**), recommending that the City Council rescind the designation of 705 El Patio Drive as a Structure of Merit from the City of Campbell Historic Resource Inventory.

ENVIRONMENTAL DETERMINATION

The action to remove 705 El Patio Drive from the Historic Resource Inventory may be considered categorically exempt under Sec. 15061(b)(3) of the California Environment Quality Act (CEQA) Guidelines, pertaining to activities that will not have the potential for causing a significant effect on the environment, provided that the Board determines that the property no longer satisfies the criteria for designation.

DISCUSSION

Project Site: The project site is located at the easterly terminus of El Patio Drive, east of Poplar Avenue. The property is bordered by single-family residences to the east and townhomes to the north, as shown on the aerial map, below:



The property is developed with a single-family residence, recognized as a Structure of Merit in the Historic Resource Inventory, constructed in the late 1930's in the Spanish Colonial Revival Style (reference **Attachment 2 – Site Photographs**). According to the City's DPR (Department of Parks

and Recreation) form, this home was one of several of this architectural style built within the Rancho del Patio subdivision during the 1930's under the supervision of B.J. Smith (reference **Attachment 3 – DPR Form**). The existing residence is slightly over 1,000 square feet incorporating two bedrooms, a kitchen, living room, and small dining area.

Background: The property was added to the Historic Resource Inventory (HRI), along with 649 El Patio and 58 S. Third Street, by the City Council at its meeting of May 1, 2012. The property's designation occurred after extensive public outreach and review by both the Historic Preservation Board ("Board") and the Planning Commission as noted in the City Council staff report (reference **Attachment 4**). In support of the decision to list the property on the HRI, the Council found that it possessed "significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature". As noted by the DPR form, the property typifies Spanish Colonial Revival Style through incorporation of character-defining features, including a flat-roof, cross-gabled roofs with Spanish tile roofing, steel casement windows, and stucco-covered chimneys with brick reveal.

Last year, the homeowners, submitted a Tier 1 Historic Resource Alteration Permit to allow construction of a 523 square-foot addition, incorporating an expanded living area and master bedroom, and an additional bedroom. The application was agenzized for consideration before the Board at its September 22, 2021 meeting (reference **Attachment 5 – Staff Report**). Prior to the meeting, staff discovered that the homeowners had performed unauthorized alterations to the building that were not shown in the application. Staff informed the Board and the September Board hearing was continued to a date uncertain (reference **Attachment 6 – Meeting Minutes**). City staff began consulting with its Historical/Architectural Advisor, Mark Sandoval to evaluate the alterations and determine next steps. The City requested Mr. Sandoval to prepare a report to ascertain whether (and how) the façade of the structure could be restored, and if so, if it would retain sufficient integrity to remain eligible to remain on the HRI.

Unpermitted Alterations: The photographs, below, compare the subject property before and after the unpermitted alterations. The scope of the alterations includes removal of the box-formed columns and recessed casement window, application of new stucco resulting in the loss of the original texture, creation of a new arched feature over the entryway, and construction of connected walls extending from either side of the house. As a result of these changes, the structure no longer resembles its original appearance. These alterations would have triggered a Tier 1 Historic Resource Alteration Permit application since the "character-defining features" of the structure would have been removed (CMC Sec. 21.33.070.B.1.a), as identified in the DPR prepared for the building.



Proposal: Based on the results of Mr. Sandoval's review (discussed, below), the homeowners are seeking to rescind the historic designation of the property, as permitted by CMC Sec. 21.33.060.D.1.

ANALYSIS

As specified by CMC Sec. 21.33.060.D, rescinding a property's historic designation requires the City Council, upon independent recommendations of the Board and Planning Commission, to find that "based on substantial evidence and findings of fact in the record that the resource no longer has historic value with respect to the designation criteria." The historic designation criteria are as follows:

- (a) The resource is associated with events that have made an important contribution to the broad patterns of our history or cultural heritage;
- (b) The resource is associated with the lives of persons important to our history;
- (c) The resource yields, or has the potential to yield, information important to our prehistory or history;
- (d) The resource embodies the distinctive characteristics of a type, architectural style, period, or method of construction;
- (e) The resource represents the work of a notable architect, designer, engineer, or builder; or
- (f) The resource possesses significant artistic value or materially benefits the historic character of the neighborhood, community, or city.

The Municipal Code further indicates that "in the case of disagreement as to the significance of a historic resource [between the Historic Preservation Board and Planning Commission], a historic evaluation report and/or structural report shall be required." In this case, a historic report has been prepared for use by the Board and the Planning Commission .

Mr. Sandoval's report traces the history of the Rancho Del Patio tract in which the subject property is located and evaluates the current status of the structure in this context (reference **Attachment 7**). Mr. Sandoval concludes that the unauthorized alterations have modified the building's historical integrity and character defining features, rendering it ineligible for continued listing as a Structure of Merit on the Historic Resource Inventory. Regarding restoration of the building to its pre-altered condition, Mr. Sandoval concludes that although restoration of the façade is technically feasible, he is not supportive of such an approach noting that the "original historical integrity of the home has been significantly diminished" as a result of the unpermitted modifications, compounded by the owner's proposed addition. For this reason, the report recommends that the City should consider removing the property from the HRI.

Given the extent of the unpermitted alterations and the determination by the City's historic consultant that the historical integrity of the building cannot be restored, staff is supportive of removing the property from the HRI in that the structure no longer embodies the distinctive characteristics of the Spanish Colonial Revival Style. Moreover, maintaining a property that has lost its historical integrity on the HRI undermines the purpose of the list and dilutes the importance of other registered properties. As identified by Mr. Sandoval, although the structure could be restored to resemble its original appearance, it would simply be a representation of the original and arguably still lack the historic value to remain on the HRI.

Enforcement Action: The City's Code Enforcement Officer issued an Administrative Citation in the amount of \$275 (inclusive of a \$100 fine and \$175 in administrative fees) for performing work without a building permit. Unfortunately, the Municipal Code does not provide for any additional penalties or fines for unauthorized alterations to an historic resource nor for an unpermitted demolition. CMC Sec. 21.33.100 does obligate owners to maintain their historic property in good repair and specifies that allowing an historic resource to "suffer severe deterioration beyond the point of repair" constitutes a public nuisance subject to administrative penalties. However, this section does not address unpermitted alterations to a property.

Staff believes that this is a significant oversight that must be remedied. Other cities, such as [Pleasanton](#), [Burlingame](#), and [San Francisco](#), have had to address similar deficiencies in their codes by adopting sizable fees and other penalties to discourage unpermitted alterations or demolitions of historic resources. Staff will be seeking Council authorization to prepare a Zoning Code Text Amendment to adopt provisions to allow for increased penalties.

Next Steps: As noted, this request will now be forwarded to the Planning Commission for its review and recommendation. A City Council meeting will follow approximately 6-8 weeks later.

Public Comment: A public notice of this hearing was published in the *Metro Silicon Valley* newspaper, posted on the City's website, and mailed to property owners within 300-feet of the subject property. No correspondence has been received.

ALTERNATIVES

If the Board is not supportive of removing the property from the HRI and would like further analysis as to the feasibility and cost of reconstructing the building's façade, the public hearing may be continued to allow for preparation of a supplemental report at the applicant's expense.

Attachments:

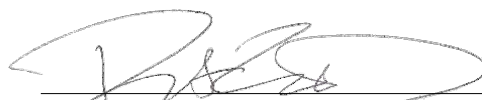
1. Draft Resolution (approval)
2. Site Photographs
3. DPR Form
4. City Council Staff Report, dated 5/1/2012
5. HPB Staff Report, dated 9/22/2021
6. HPB Draft Meeting Minutes, dated 9/22/2021
7. *705 El Patio Drive, Campbell, CA –Review of Non-Permitted Alterations*, Mark Sandoval

Prepared by:



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Approved by:



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