



## HISTORIC RESOURCES BOARD MEETING

MINUTES: June 14, 2018

City Hall/City Council Chambers

250 Hamilton Avenue

8:30 A.M.

### Call to Order/Roll Call

Present: Vice Chair Brandon Corey, Board Member Martin Bernstein, Michael Makinen, Margaret Wimmer, Liaison Council Member Holman

Absent: Chair David Bower, Board Member Roger Kohler

Vice Chair Corey: Welcome everybody. I'll guess we'll start today by taking roll. There's a sheet here. Robin, do you want to take roll?

Ms. Ellner: What do we have, four in attendance. Thank you.

Vice Chair Corey: So, in the interest of time, with people waiting, should we skip over the reports and go straight to the Study Session for Boyce?

Amy French, Chief Planning Official: Sure, you can. This is agenda changes... Well, I think we need to do oral communications first as on the agenda, and then we can talk about agenda changes for Items one and two. Maybe you would want to consider putting Item one after Item two. But I think we need to get to oral communications in case there are members that want to speak to that.

### Oral Communications

Vice Chair Corey: Okay. Any members from the public?

Amy French, Chief Planning Official: Yes.

Vice Chair Corey: Do we have any cards, any members from the public?

Ms. French: Yes, two cards over there, I believe. Are there any members of the public that wish to speak, oral communications on items that are not on the agenda?

Male: No.

Ms. French: That's a no then. Okay, do we want to go to the Agenda Changes?

### Agenda Changes, Additions and Deletions

Vice Chair Corey: Sounds good. Alright I would like to request an agenda change and we will swap the City Official Reports, the staff, well, this is the meeting schedule, just swap those around, alright? Do I have a second?

Board Member Wimmer: I'll second that.

Vice Chair Corey: All in favor?

Ms. Ellner: Real quick, if you guys can please remember to turn on your microphones when you speak, even though it doesn't amplify, media center still needs to be able to pick it up for recordation. Thank you.

[The Board moved to the Study Session on Boyce Avenue.]

## City Official Reports

### 1. Historic Resources Board Meeting Schedule and Assignments for 2018.

Ms. French: First of all, I'll start by saying there needs to be, we do a lot of stuff electronically with this minute track system, and things like this as far as the error, noting who the Chair and Vice Chair, my apologies, but there must be some way to make sure that's changed in the system so it doesn't do that again. So, my apologies.

Vice Chair Corey: It wasn't there last time. Thanks for the comments as well, Herb.

Ms. French: Okay, so upcoming meetings, I think is what we're talking about on this one. So, last month we had our CPF conference which was nice and I noted several Board Members attended. I was there as well, and our Council Member Rep Holman. So, let's see, the next meeting would be June 28<sup>th</sup>. We do not have any projects for that date, and we have not advertised that and we have been saying king of one meeting a month is, seems to be okay for our projects, which we don't have too many coming through that have historic properties on them. So, the next meeting would be July 12<sup>th</sup> or the 26<sup>th</sup>. So, the question being, do you want to do either one of those meetings?

Board Member Wimmer: I know that on July 12<sup>th</sup> I'll be out of town, my dad's birthday.

Vice Chair Corey: And I will be out of town on August 9<sup>th</sup>, but that doesn't apply to the next meeting I guess.

Ms. French: Well, but it could factor in (crosstalk), yeah so, we might, if we don't have something in July, then we look towards August. We would look towards now August 23<sup>rd</sup> for that meeting. Okay, any other vacations to report? Okay, so stay tuned.

Vice Chair Corey: On the 26<sup>th</sup>?

Ms. French: Well, yeah, either the 26<sup>th</sup>, yeah, the 26<sup>th</sup> would be the target date then. (inaudible, no mic) ...all members on the July 26<sup>th</sup> date. And happy Fourth of July and all that in the meantime.

Vice Chair Corey: Sounds good.

Board Member Bernstein: Does that mean that the July 12<sup>th</sup> is cancelled?

Ms. French: It's not formally cancelled at this moment, but we will get back to you on that.

Vice Chair Corey: The 28<sup>th</sup> is formally cancelled, of June?

Ms. French: No, neither one is formally cancelled at this point, but so noted. We will get back to you on that.

Vice Chair Corey: Sounds good. So, I guess now to move on to Agenda Item 3, the Draft Minutes for approval.

[The Board moved to Agenda Item 3, the Draft Minutes for approval.]

## Study Session

- 2. 874 Boyce Avenue [19PLN-00030]:** Historic Resources Board Study Session Review to Discuss a Preliminary Parcel Map with Exception for Subdivision of the Property at 874 Boyce Avenue into Two Parcels and Addition of a One-Story Dwelling on the Proposed Rear Parcel. The Single-Family Residence at 874 is listed on the Local Historic Resources Inventory as a Category 4 Building.

Vice Chair Corey: Alright, thanks. So, we're here today to continue this discussion for 874 Boyce Avenue. We had talked about this before to discuss a parcel map and exception for subdivision of the property into two parcels, the addition of a one-story dwelling on the proposed rear parcel, and it is listed, the single-family residence at 874 is listed as a Category 4 Building. Do we have a staff report on this?

Amy French, Chief Planning Official: Yes. So, I'm going to briefly give a staff report. I want to first introduce Phillip Brennan, who was also here last time, is the project planner. So, just briefly I will have a presentation here. This time we have for you the home plans for the rear lot that is proposed as a flat lot, and it's a one-story home. So, there are some images for that. So, this is a lot split of 874 Boyce. The background on this is the sister homes at 874 and 872 and, as you might remember last time, behind Frances's house at 874 there used to be a home at 880 Boyce. That was in, it looks like it was removed sometime after 1831, which is the Sanborn Map on the right, and then there are the sister homes. The sister homes are the 1927 homes and there are some images here of those. And then, within the last six of seven years there was a lot split, actually more recently than that. So, the neighboring sister home was split off from the back properties, which had another home on it and that went through with a covenant. We had the sample covenant so you can see what we do when we do covenants for historic preservation. So, we have, I guess we have an easement now to get to the rear home at, well, behind the other sister home there is an easement that helps everybody drive to the back and drive to the front again, and these are the dimensions currently. This is the house that would be proposed on the rear lot. It does not have to go through a discretionary review because it's a one-story home. I think the goal here, and we'll get to the applicant's presentation, is to recognize in this Study Session that it's a Category 4 home. Because it's outside of the downtown there's not a lot of protection by our ordinance for a Category 4 home. By having this incentive in our code to allow for flag lots at the rear, for the purpose of preserving an historic home, it just so happens that the historic home is not going to be on that flat lot, it's on the front lot. And so, we have to go through a whole bunch of gymnastics that include Planning Commission and Council to modify our Subdivision Ordinance, because what was envisioned there was, it was all about that historic home is on the rear lot. Well, in the end what we're doing is preserving a home with a covenant and adding another housing unit to our housing stock, which we support. So, all the gymnastics are going to a good end, so we're hoping to get support of the concept from the HRB, as well as comments on, you know, how this home is fitting basically with the front historic home. So, I'll get out of this now and we'll let the applicant present.

Phillip Brennan, Project Planner: You can actually leave it right there, because I don't have any new slides.

Ms. French: Oh, I thought you had a slide show.

Mr. Brennan: They are the same slides.

Ms. French: Alright, okay, should I, okay, fine. Alright, come on up. If you want me to scroll down I will.

Leopold Vandeneynde: Hello, my name is Leopold Vandeneynde, I'm the architect for the owner, Chris Loops. So, as Amy had mentioned, the emphasis of this was to subdivide the lot and put this new one-story home in the back. We're also in the flood zone, so there were a lot of design considerations that we needed to take into effect, meaning that the house had to be high enough to meet flood zone base flood elevation requirements, and to do so it also had to fit within the height limits of a one-story building, so

we were kind of crunched with how we were going to design the space without getting too massive. We also didn't want the building itself to overshadow the historic home in any way. So, we look at whether or not we should match the historic home or we should make something completely different, and the home that's actually on the other flag lot at 876, I believe, is also a gabled ranch style home. So, we thought that would be more fitting to go with this more modern, contemporary barn type structure that exudes a lot of the same characteristics of a lot of the older ranch style home with board and bat siding, porches, shed roofs, that type of look and feel, so that we're not creating a structure that doesn't feel like it fits within the neighborhood or within the Palo Alto region. So, this is a quick kind of 3-D rendering of what we wanted to do. Honestly, after we did this I was like, well it might be a little too much board and bat, so we might want to kind of downplay the board and bat with some horizontal siding or something, but in essence, essentially we're creating the smaller, one-story ranch style home is what we're looking at doing. Like I said, the height limits are extremely difficult with the flood plane heights and everything else that we had to conform to, so that's why the simplest forms make it for the easiest design solution.

Ms. French: I might add to this, I don't know if you mentioned this, but this originally started as well as a concept for an addition to the front home. Emily, that was while Emily was here, we were concerned about modifying that home if we were going to go to all these lengths to subdivide and put a flat lot, that retention of that front home was critical to the gymnastics we were going to have to go to. So, we were not receptive to the changes that were proposed at a second-floor level, but that still sounds like it's something that the owner is interested in pursuing, but we don't have those plans, you know, showing today.

Mr. Vandeneynde: Well, a little bit of the history of how this whole project is going is, we originally started with the IR submittal, which had actually, had been approved in the past to add a bedroom and bathroom over the garage of the 874 project. We then had that submittal reinstated and resubmitted. At the same time, we were looking at subdividing the lot. At the time when we met with Phillip and Amy and Jody, it was discussed that there might be the need for a private driveway down the street as opposed to just utilizing the easement, and if the private driveway were in effect, essentially we would reduce the square footage of the 874 address such that we wouldn't be able to add any area over the garage, so we retracted the IR submittal and went ahead with the subdivision plans. However, it is still undecided as to whether or not a private street would be required. If not, we would still like to look at bringing back that one bedroom and bathroom addition over the garage in a way that actually meets with approval from the HRB and from Planning, because we know that it had been previously approved, although there were some comments about the look and feel of the structure itself.

Ms. French: So, I think either way there is going to be some kind of deduction. If it's a private street it's, you know, then we're talking about a smaller private street that doesn't meet the 22 feet. Anyways, if we're talking about a flag lot, then I believe the flag pole, which can be 15 feet wide instead of 22, I think that gets deducted as well. So, it all kind of ties, it all relates to each other. The size of the lot, how much you can build on the lot and the method of getting to the rear lot and deductions. That all kind of ties in, and that what will be, you know, addressed in the Planning Commission Report. So, the Planning Commission is really the proper venue for addressing all of this stuff. Your focus should be, you know, well, the fact the subdivision is not going to impact the front lot and what's being proposed in the rear lot, design wise, you know, and then decorative and interior wise.

Vice Chair Corey: I guess the only other thing we're thinking about on that front is that if, in order to meet the new any restrictive requirements in the front lot, there would be any sort of historical preservation incentive that you could use as a Category 4 that would be required on the front lot with the new lot size, if it was reduced versus what it is today.

Ms. French: Right. So, I think again, this is where the HRB could weigh in. I mean, you have an example of a historic covenant. This was used just next door on the other sister house to restrict or to ensure the ongoing preservation of that home, so the same thing would happen here. Of course, when you preserve a home, you could also do some things to it, including an addition that would have to be [unintelligible], so that would have to come back if that was to happen. I think part of the advantage of having a flag lot

is that it's a one-story home only at the back, so I think that has less of an impact, because it's a smaller profile and, you know, the front home can still shine from the street.

Board Member Makinen: So, a flag lot you can only have one story?

Ms. French: That's correct. Flat lots are only allowed one story development.

Vice Chair Corey: Any other questions from the Board? Martin.

Board Member Bernstein: Thank you Chair Corey. On page A-0.01 there are some photographs. Are any of these photographs showing the existing house behind 872?

Mr. Vandeneynde: I believe so. Let me see if I have that on there.

[Male]: Yeah, there is.

Mr. Vandeneynde: I might just have to take a look at it.

Mr. Vandeneynde: This right here is the garage structure behind 872 and this is that house. [inaudible]

Ms. Ellner: Can you turn your mic on?

Mr. Vandeneynde: Yeah, sorry. Actually, I think if you look in the Parcel Map portion, the pull out that you have here. So, rotate it this way. So, this is the 876 property, which is this house, and then this L-shaped structure, which is extremely large for a garage, is this garage here.

Board Member Bernstein: Thank you so much.

Mr. Vandeneynde: So, that's the gabled roofed linear structure that we're talking about trying to match.

Board Member Bernstein: Thank you.

Vice Chair Corey: Any other questions for the applicants from the Board?

Board Member Wimmer: And there's, it looks like there's currently no fence line. Is that because the expanse of, I guess, property in front of this, so that's not, the fence line would actually be sort of in line according to the Parcel Map with that garage?

Mr. Vandeneynde: That's correct. So, that garage is on the property line, so any additional fence would just be from that garage forward.

Board Member Wimmer: So, that will have an impact on that property, I guess?

Mr. Vandeneynde: Right. Whether or not there will actually be any fences is up to negotiation between the two owners as well, because they try to like to maintain that open feel for both properties, but at the same time maintain privacy. So, there might be some landscaping instead as opposed to actual hard scape fencing.

Board Member Makinen: [no mic, inaudible]

Mr. Vandeneynde: Well, garages yes, but that's not a rated garage structure, so it's a previously nonconforming, noncomplying structure.

Board Member Makinen: [no mic, inaudible]

Mr. Vandeneynde: Existing, nonconforming, yeah.

Vice Chair Corey: Mike, remember to turn your mic on.

Mr. Vandeneynde: You can put a detached garage on the property line today, as long as it's 1R rated construction.

Ms. French: And there's more, I'll weight in on that too, there's more restrictive daylight plane requirements for accessory structures. It's a lower profile for detached one-story garages at the rear yard.

Mr. Vandeneynde: And you can't have any water or rain leaders or anything. So, what is there is incomplete nonconformance, but today you could build one, but you'd have to make sure everything is compliant. There is also a sizeable oak tree that is also on the property, which has also been one of the design concerns, to locate the structure as far back as we can to maintain the health and aspect of that oak tree, because it's a fairly large oak tree. I think it's a 20-inch.

[Male]: It's 20-inch diameter.

Board Member Makinen: Is there a requirement to have like a garage on the secondary house?

Mr. Vandeneynde: Yes, a one car.

Board Member Makinen: I mean, because you've got it shown as a garage, but it's described as storage on the plan.

Mr. Vandeneynde: It's a garage, yea.

Ms. French: Storage of cars and bikes.

Board Member Makinen: You've always got to have your stuff.

Mr. Vandeneynde: Like most garages, there's very few cars in them.

[Male]: In California.

Board Member Makinen: Not in my place.

Vice Chair Corey: Any other questions of the applicant. Margaret, you look?

Board Member Wimmer: I was just going to say, should we talk at all about comparing the proposed house to the existing, the existing historic house and how they relate to each other, or how they... Should we have a little discussion about how the two structures, is there any impact of putting this back there and what? Would you have – where the property line, you're creating a new property line, would you put fencing, or would that be open as well?

Mr. Vandeneynde: There currently is a fence on that back lot.

Board Member Wimmer: That dissects the property?

Mr. Vandeneynde: Right. But we would – more than likely there would just be a new fence at that location. That would just give the rear yard, look like more rear yard space to the front unit.

Board Member Wimmer: And the approximate distance between the two structures, it looks to be at least 60 feet I would guess, between the existing single-story garage of the historic structure to the single-story garage of the new structure, and the height is certainly subordinate to the historic structure.

Board Member Makinen: So, this would probably end up as a rental structure?

Mr. Vandeneynde: Well, the homeowners are thinking they are going to do – depending on whether or not the wife likes the actual build of the single-story structure, they are either going to then move into that structure and either rent out or sell the first house, or vice versa. That decision hasn't been made yet.

Board Member Makinen: So, this would be a separate parcel and have its own parcel number?

Mr. Vandeneynde: And parcel own address, the subdivision. And I have worked on historic homes in the City of Santa Clara as well, and just did a recent addition to an historic home and their Historic Board was very adamant that the addition did not match the existing historic home. They really wanted a delineation between what was historic and what was new, and there was a lot of effort put into making the two not look the same, so they could look back at the house and say, oh, the historic house ended here and this was the new addition here. So, when we started to do the design of that single-story home, it was, in my mind set, not to try to match the existing house, but to come up with something completely different.

Board Member Makinen: Well, that's always the argument for contextuality or compatibility that exists. It's an inherent conflict within the design philosophy.

Mr. Vandeneynde: Yes.

Vice Chair Corey: Martin?

Board Member Bernstein: Thank you Chair Corey. Leopold?

Mr. Vandeneynde: Leopold.

Board Member Bernstein: Leopold, to Leopold's point about, and addressing Board Member Wimmer's comment about what's the compatibility, my view is that I think we need to look at the gestalt of all four structures, the three existing and then the one proposed, 874, 872 and then 876, the existing structure beyond. If the proposed structure at 870, behind 874 is similar in scope and feel of the existing one-story structure behind 872, which is 876, I think that helps visually celebrate that the two historic homes, I think it makes a good developmental pattern of the existing one-story behind 872 and the proposed new house at, behind 874. If both of those are kind of non-relating to a high degree of compatibility, I think that helps, lets 874 and 872 be more celebrated as a visual aspect and it gives the whole gestalt of the whole little development of historic homes in front, non-historic in the back. And I think that adds – so, that would be my view of what would be appropriate.

Vice Chair Corey: One other question related to that is, what's the roof line of 876 look like, and I only ask because if 874 and 872 are a 712 and the new proposed is 412 and if the rear of 876 is also 712, it might look, if the rear matched more it might look nice. But, I'm just trying to see if, would that stick out. Sometimes the roof lines delineate.

Board Member Bernstein: And I'm just pointing to, here are the photos of 876.

Vice Chair Corey: Yeah, it looks – so, it actually looks like it's sloped less from the picture, but I can't tell.

Mr. Vandeneynde: Yeah, I hadn't actually taken the slope-measuring tool to it, but it was – in my opinion it was close to 12 and 5 for the adjacent home, or even 4½ and 12.

Vice Chair Corey: Yeah, it looked lower, like the new proposed one.

Mr. Vandeneynde: It's definitely not as steep.

Vice Chair Corey: I just meant, if the three were steep and the one was really low, it might look a little off, but it looks like both of the back they're sloped lower, which actually kind of fits better I think.

Board Member Wimmer: I have one question or comment. I know that when you're in a flood zone I believe that the City allows you to raise the maximum height, so is the maximum height of this single-story structure, that's what the 17 feet is? Because it looks...

Ms. French: That's correct.

Board Member Wimmer: That's what you have, that your maximum height is 17 feet, but I believe if you're in a flood zone, the City allows you to lift that. They give you a little bit of compensation for the fact that you're lifting it up, so I don't know if that could be of any benefit to you?

Mr. Vandeneynde: That definitely would be, yeah.

Board Member Wimmer: Yeah, because maybe, instead of having – I mean this looks – I see what you're doing and you're trying to make it be subordinate, but you don't want it to be so much like it looks like a kit home or a, you know, prefab home or something, so maybe you could do something that makes it architecturally interesting or unique. Maybe you can vault the interior ceilings or life up the plate height a little bit.

Mr. Vandeneynde: They would love that, yes.

Board Member Wimmer: I would investigate that, just because I've had that – I don't know exactly if it's like if you have to raise the house a foot higher can you go a foot higher. I think it's relative, but you'll have to check that out.

Ms. French: Yeah, there's a maximum of 20 feet, but you don't just go straight to the maximum, you go – yeah, but how much above the ground, yeah, base elevation, you're not to go above the existing grade, you can go that much more above the 17 feet.

Board Member Wimmer: Because I think that – I mean, just looking at this, this just looks, I mean, it's nice but it just looks like – it looks very common. So, maybe you could make it look a little bit special. It's in a special neighborhood. It's next to special houses. It might be nice to – I know we're celebrating the historic houses, but it might be nice to be able to give you a little bit more, and I think also, I know that from the street you're not going to be able to see this because it's in a flag lot, but I always try to focus on what the front elevation of it, because that's when you approach it. Which is this, with the garage, the storage garage is in front, I mean...

Board Member Makinen: Well, it kind of looks like a storage building when you look at it. There are hardly any windows on one side.

Mr. Vandeneynde: Well, that's why I was talking about the amount of board and batten versus horizontal siding and mixing up the gable ends with maybe some, whether it's shingle siding or something else, to differentiate and not look like a storage building.

Board Member Makinen: The windows are very repetitive. I would think – it doesn't look like a live-in structure. It looks more like storage.

Board Member Wimmer: And is the 2,096, is that the maximum, that's what you?



Mr. Vandeneynde: That's not the maximum FAR, but that's enough from what the client was looking for as far as the square footage. So, they were allowed – there's more square footage allowed, but we didn't go to the maximum. So, we didn't go to its full potential because there's also the tree that's in the way and there is the ability to want to have some yard space and some negative space between the house and other structures. You don't want to just fill it all up.

Board Member Wimmer: And I see that the living space is trying to capture sort of the private backyard area, which, yeah.

Mr. Vandeneynde: Yeah.

Vice Chair Corey: Martin.

Board Member Bernstein: Thank you Chair Corey. Leopold, I'm looking at the rendering right here. My first impression when I started looking at this diagram was that it looks like this is almost just a, not relating visually to the main design of the house. So, my thinking showed up in my little drawing here. Maybe there's – there's no shed roof issue on here at all. If that were a...

Mr. Vandeneynde: A subsequent, a smaller gable.

Board Member Bernstein: A smaller gable, just so that this lower mass relates to that mass. I mean, just my initial thinking here, just so that – on the 876 this structure is actually detached, but when this one is attached, then I think it starts affecting the form, especially that's going to be, just from a visual point of view and using your genius as an architect, what's the first impression of that space and what is the architecture? Is this a shed roof?

Mr. Vandeneynde: Actually, one of the subsequent designs had that as a gable.

Board Member Bernstein: Okay. Just so this attached mass relates to the mass.

Mr. Vandeneynde: I get it.

Board Member Bernstein: And then your idea of the verticals. Certainly, in reality you're not going to see black vertical lines on a white board here, so then it just becomes a textural element, so maybe that addresses the concern that you expressed, there's too much of it. But, again, we'll never see a pattern like that.

Mr. Vandeneynde: I know. It's the issue with some of the 3-D renderings is that they don't quite – any line is a dark line.

Board Member Bernstein: Of course. Okay. And then, just another, just as Board Member Wimmer mentioned about, it looks like a pretty common building. So, what could be done enhanced, and again, this is just a rendering for this discussion. Maybe the columns are larger than, you know, 6 x 6 posts or something like that, and – use your genius to create the detail here. Since, as you know, one of the architectural principles is, where is the front door. And so, as people come here, you'll probably get a clue where it is. Architecturally, is there something that could be done? You will have a lot of opportunities for that. My other question is, after it leaves this meeting today, and this Study Session, if there are any modifications to these plans, does that come to HRB again, or now?

Ms. French: No, this is – I think we are – unless the Planning and Transportation Commission chooses to refer somehow to HRB to, you know, study something that they think is important, I don't picture coming back here again, because, only if they were going to amend the historic home, and then that would, you know, the covenant on it we might restructure that to have some kind of input from HRB, even though it's just a Category 4 home outside the downtown.

Board Member Bernstein: And because this is just a Study Session, I assume there are no motions coming out of this meeting, right?

Ms. French: I think, you know, straw polls can be effective when it comes to general support for the direction or the proposed subdivision to create a home at the rear would be helpful, and if you want to state anything about conflict with the Secretary to your standards or your direction. That would just be helpful to staff, you know.

Vice Chair Corey: Karen you had a comment?

Council Member Holman: Yeah. This is my challenge with Study Sessions, because I think they're really inappropriate for something like this. Because when this goes to the Planning Commission, then what kind of direction and recommendation are you making to the Planning Commission? That's why I really, really don't like Study sessions for things like this, and I have repeated that numerous times publicly. So, I think it would be really appropriate to do – I mean, there's not harm in taking a motion, you don't have to take a motion, but you could take a motion, I think. Yes, no?

Ms. French: Yeah, I mean I guess we didn't really set this up as a formal hearing, but we did advertise it and we did continue it from the last meeting, so I don't think there's a Brown Act issue in any way. We didn't formally ask for a recommendation because we have been calling this a Study Session. So, you know...

Council Member Holman: And that's my concern and continues to be my concern about items like this, whether it's Planning Commission or here or Council or whatever. It's like, you know, this is moving forward and how does the next group know what the heck you guys commented. So, that's one. So, if there's nothing verboten about taking a motion, can I suggest that maybe you might want to. Just one question about this, is that listening to Board Members' comments about this looking kind of industrial and like a warehouse, I also note that it has a metal-seamed roof, and it seems to me that would just add to that feeling of it being a warehouse. So, just a thought.

Board Member Wimmer: I was actually going to make a comment about that as well, is that I know that it is presented to us as with a metal roof and bat and board siding, board and bat siding, but in reality, when you start pricing some of these things out, a metal roof is three times the cost of a standard, you know, asphalt shingle roof, so sometimes these design elements get changed at that point. So, there is a possibility that what's presented to us is going to be modified when it comes down to value engineering, it might be stucco with a shingle roof, which is probably likely. Sometimes, that's usually what everybody else has and that's usually the cheapest thing, so I don't know if in our meeting, do we even comment about the materials and is that – I mean, we can't really, I don't feel like we can really hold them to using a specific material if it ends up not being affordable in the end. So, I think this project is going to evolve beyond this, absolutely, and I don't know how – even if we make a motion, I mean, that would kind of lock them into this design, which might not be the final solution anyway.

Board Member Makinen: I don't want to make a motion.

Vice Chair Corey: Well, I think the other question is, I mean, if there's things, obviously things like siding changes and things like roofing changes affect the building itself, but also there's, you know, there's other big changes they could make that could alter the footprint and other things that might impact the front house that, you know, we might be more concerned about. And that's not to suggest that anyone is going to do that, but it doesn't sound like we have any way to have this come back to us other than just give our feedback one way.

Ms. French: It's not required by code to be here at all, is my opinion, because our code does not have – you know, that's why it's a Study Session. So, you know, because the Chapter 1649 only requires HRB review when it's a Category 1 or 2 outside the downtown. So, this is a Category 4, so it's outside the downtown. That's what our code says.

Council Member Holman: I don't disagree with that, and thank you for bringing it here, but it seemed to me it would be appropriate for it to come here because it's proposing an amendment to the Historic Code to allow a lot split for this kind of lot, where there isn't an existing home in the rear.

Ms. French: So, the question might be to, when we have that subdivision, draft subdivision ordinance that we could bring that in a formal hearing so you could look at that. Whether this property needs to be looked at by the HRB, I think, we're just getting feedback. But I think if that's a good direction, we could bring you back the ordinance change so you could have a look at what that says. I mean, basically what it says, I mean, I think you could say something about it now, which is, hey, we think that the rear, the historic home can be on the front property and allow for creation of a flag lot at the rear, because that does incentivize preservation of the home, rather than tearing that home down and coming back with, you know, a really big home that would not go with the other sister home very well. So, I mean, I think from that straw poll standpoint, in my opinion, would be, hey, you know, do you like that idea that the code was written narrowly, but it should be expanded to allow for a concept like this. You know, I don't know that you look at the wording of the ordinance, but I would be happy to come back and share that with you, if you would like, the next meeting.

Board Member Wimmer: I had a quick question regarding that. So, I thought a while ago Palo Alto decided that they weren't going to allow flag lots anymore. This really becomes a flag lot, but is the exception in the incidents where there is an historic property and it...

Ms. French: So, we already have – we have a prohibition against creation of new R1 lots, the R1 flag lots in the R1 zone. There is already an exception in the subdivision ordinance that says if it's an historic home on the flag lot, the proposed flag lot, we will let you subdivide it. So, that's the ordinance that we would take to the Planning Commission saying, hey, what if the home is on the front and they want to create a lot at the rear for another home, you know? And our attorney thinks that would be in the spirit of the original incentive and we do too at staff. So, that's the difference. And then we have 1812, which is a Chapter in our zoning code that speaks to this as well. This being the subdivision incentive to allow preservation, and what it actually allows is an even smaller than standard-sized lot as the flag lot at the rear. And normally we wouldn't even have to take that to Planning Commission. It's just a parcel map, but because we have an exception associated with it, we are going to bring that to Planning Commission. So, they're kind of going to get this package that talks about the zoning ordinance, you know, rules, the subdivision ordinance change and, you know, this particular parcel map.

Vice Chair Corey: So, would it be appropriate for us to take a motion or make comments on our feelings on this proposal and also it being based on our [unintelligible] around roughly what the new proposed property looks like today?

Ms. French: I guess expressing your feelings about retention of that existing home at the front, expression about the concept of, you know, modifying a subdivision ordinance because, you know, not all situations were as we had imagined five years ago, or whatever that was, it's eight years ago I think now. Oh, we have a speaker card. Thank you for turning that in.

Vice Chair Corey: It's must have just come in. It's on this agenda. Is it Herb? Would you like to come speak?

Ms. French: Yeah, would you like to? We have a chair for you today.

Herb Borock: Well, there's a microphone over here.

Ms. French: Well, there's that.

Vice Chair Corey: Oh wow, that's this timer, but it's all noisy.

Herb Borock: Thank you, I guess it's Chair Corey or acting Chair Corey. I get confused because in the agenda packet it still has Chair Bernstein, so I don't know who it is. So, Board Members, I don't believe it's appropriate to make a motion. In fact, I don't think it was even appropriate to even have a hearing. In addition to the fact that as Ms. French said, that this is not something that needs to come before the HRB. It's something that can come, because it's only what is in the ordinance for the HRB that says what projects can come before you, and it also says it is only the City Council that can make a determination to bring something else under your purview. Another reason why this shouldn't be before you and why you shouldn't be discussing it or taking a motion is that the staff report says that their request comes under the California Environmental Quality Act, and you can't look at one segment of a project separate from the other segments of the project. And in addition, an advisory body can't take an action unless it has had an opportunity to review the Environmental Document, which hasn't even been produced or circulated. There is also the question of the second application for the 472 square foot addition to the front house. Over three months ago staff sent a letter to the applicant asking whether, that they should send either a letter to withdraw the application within two weeks, or some action. It's kind of hard to find these things on line these days, but if you know how to find building law, you can find that there is no other item in the file. There is no letter there withdrawing the application. As we heard this morning, it may go ahead with an addition anyway. There was a concern mentioned by one Board Member, that the proposal does not use all the allowable floor area. Well, you know, 472 square foot addition would need another 1,573 square feet of site area and it would have to get it from someplace. So, that's another thing that didn't happen. As a Category 4, it's not protected. What I hear is, you're being presented with the argument; well we have to preserve this historic house and, therefore, should do all these other things. But that's no different from someone coming to you at College Terrace and saying, well, we have to preserve the grocery store, JJ&F, but you have to give us this big office building. So, I would suggest that what's happening here is what gives the most money to a construction, someone in the development community; because it's not that you're building a second house, a second residence. This lot, prior to the Accessory Dwelling Unit Ordinance, is big enough to have a second residence. It's just that it can't be sold separately, and it can't be as big and make as much money for somebody. But the main problem I have is staff bringing this to you and saying, oh, we want you to support the staff and we think it's beneficial, which is words that weren't in the first staff report from Hillary Gitelman but are there now with a staff report from Jon Lait, and somehow not using the word recommendation, but the discussion and a vote, I believe would violate the California Environmental Quality Act for the reasons that I have stated. Thank you.

Vice Chair Corey: Thanks for your comments.

[inaudible, no mic]

Vice Chair Corey: Yup, that would be great. Staff?

Phillip Brennan: Yeah, just as a point of clarity to Mr. Borock's comments regarding the letter of withdrawal. Leopold touched on it earlier in his presentation that this was previously presented to staff many months ago as a much different project and at that point in time staff did not support the two-story proposal for a number of reasons. We relayed that to the applicant and the applicant withdrew the application. Should they want to move forward again with the two-story addition in the future, we will review that and it will be brought before the Board.

Ms. French: And then I can speak to the other aspect of it. First of all, though we have names on our reports, they are not the actual writers of the reports, so both times I've been the author of the report despite the fact that there is a director name on there. So, what I would say to that is, it goes back to my original thinking that we're not doing a recommendation. Yes, we have not done a CEQA Document. Normally, a you know, parcel map, falls within exempt from CEQA status. You know, for the Planning and Transportation Commission certainly we would have, you know, CEQA determination there of draft analysis by staff in that report, which I also am going to write, so I can talk about that. As far as the – there was another point there about – so, it's been withdrawn, the two-story home. Oh, my other point was, again, I don't think, we didn't ask for an actual formal recommendation, again because this is a

Study Session and as I said, and Herb Borock noted, the code does not require this hearing at all, even a formal hearing. In my opinion, and by the code that's how I see it.

Vice Chair Corey: Karen.

Council Member Holman: One additional comment that wasn't brought up either is, if this lot were to be sold, it could all be torn down and while you could, as it stands, currently put a second unit in the back, what this ordinance does is it requires a covenant on the front house which protects it. And that's very different that just saying you can build something in the back or you can't build something in the back, you know, of X, Y or Z size or subdivide or whatever. It provides the covenant benefit of having the preservation covenant on the historic house, and that was the whole purpose of this.

Vice Chair Corey: So, maybe we can just offer some comments at this point and just kind of, you know, move forward on this. So, in touching on what Karen just said, you know, we talked about this before and talked about the covenant and I think my opinion as a Board Member is, if we can put a covenant on the front structure and we can save that historic property, and then we can put a new structure on the back that's subservient to that property but still offers, as far as mass and size and scale in what we normally look for, then I'm supportive of doing something like this in general. I don't know how the rest of the Board feels.

Board Member Wimmer: I absolutely agree with that. I think in the end the City achieves, protects something that is valuable to use as a City, and the proposed rear project is definitely subordinate to the front project and think this project will continue to evolve, but I think at the moment I'm in support of it.

Vice Chair Corey: Martin.

Board Member Bernstein: Thank you. On packet page 18 and 19 there is an example of – particularly packet page 19, where it says that the, if the covenant is entered into and agreed to, basically 872 shall be rehabilitated and maintained as an historic property. So, that's a good valuable agreement to make, and also, I agree with the last two comments from the Board that, yeah, what we're seeing today, it is subordinate to the historic structure, so that works with the historic aspect. Thank you.

Vice Chair Corey: Mike.

Board Member Makinen: Yes, I agree with all of the preceding comments. I think the important thing here is to acquire the covenant for the preservation of the front property. That's our main interest right here. I also think that the compatibility with the adjacent rear structure should be taken into consideration. That's more important than the design of it. I think it should be reasonably compatible with the back structure of the other house. So, I think the covenant is the most important aspect of this whole hearing.

Vice Chair Corey: Does staff have any other – oh, I'm sorry.

Mr. Vandeneynde: I just wanted to get some clarification on the covenant. Is it that the existing front house cannot have any modifications?

Vice Chair Corey: No, I think it's just to say that the existing front house will be preserved and the historical and maintained. But this doesn't preclude from coming back and having any sort of other modifications done.

(Inaudible)

Vice Chair Corey: Of course, the Secretary of Standards would govern any modifications.

Mr. Vandeneynde: Sure, okay.

Vice Chair Corey: Unless anyone else has any other comments, I want to thank the applicant for their time, Leopold. So, now we'll go back to Number one.

[Board returned to item number one, City Official Reports]

### **Approval of Minutes**

#### **3. Historic Resources Board Draft Minutes for Approval for February 8, February 22 and April 26, 2018.**

Vice Chair Corey: My favorite part.

Board Member Wimmer: I reviewed it.

Vice Chair Corey: Does anyone have any comments on the Draft? Martin.

Board Member Bernstein: Yeah, on packet page 68, the spelling for, on the bottom paragraph for Michael Nierenberg, I'll give you the correct spelling, Nierenberg.

Vice Chair Corey: Any other corrections? Okay? Let's make a motion to approve the minutes.

Board Member Bernstein: Chair Corey, what's the Board think about holding off on these Board minutes until other voting members such as Roger Kohler and Chair Bower can attend, since they are quoted in these minutes?

Vice Chair Corey: That's fair. It sounds like a fine idea. Do I need to make a motion?

Ms. French: Well, we don't have to approve the minutes.

Vice Chair Corey: We won't approve the minutes. We will wait till Martin and Roger are back. We will postpone the minutes.

Ms. French: [no mic, inaudible]

Vice Chair Corey: Alright, I think we are adjourned. Thanks everybody.

### **Subcommittee Items**

### **Board Member Questions, Comments and Announcements**

### **Adjournment**