This meeting was conducted utilizing teleconferencing software Zoom. This is consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

CALL TO ORDER: Vice Chairperson McLauchlan called the meeting to order at 6:30 p.m. He then announced the decision of Theodore Bresler to not seek reappointment to the Board effective January 1, 2021. Mr. McLauchlan thanked Mr. Bresler for his years of service and wished him well.

PRESENT: Vice Chairperson McLauchlan, Board Members Adamson, Cain, Jacobs

ABSENT: One vacancy pending appointment.

STAFF PRESENT: Wayland Li, Principal Planner
Bronwen Lacey, Senior Deputy City Attorney
Mark Hungerford, Associate Planner
Aki Snelling, Associate Planner
Trish Cordova, Recording Clerk
Maria Salinas, Recording Clerk

APPROVAL OF MINUTES: Board Member Adamson moved to approve minutes from the regular meeting of September 3, 2020 and Board Member Jacobs seconded. Motion carried unanimously.

DISCLOSURES: Vice Chairperson McLauchlan visited the project sites for Items 1 (PLN2020-00037) and 2 (PLN2020-00254), both on two occasions.

Board Member Adamson visited and thoroughly examined the project sites for both Items 1 (PLN2020-00037) and 2 (PLN2020-00254).

Board Member Jacobs visited the project site for Item 2 (PLN2020-00254). He also visited the project site for Item 1 (PLN2020-00037) and spoke with several neighbors.
Board Member Cain visited the project site for Item 2 (PLN2020-00037). She also visited and walked the site for Item 1 (PLN2020-00037) and spoke with some of the neighbors.

CONSENT CALENDAR
None

PUBLIC/ORAL COMMUNICATIONS
None

PUBLIC HEARING ITEMS

Vice Chairperson McLauchlan requested to switch the hearing order of Public Hearing Items 1 and 2. Board Member Jacobs moved to approve and Board Member Adamson seconded. Motion carried unanimously.

Item 2. **NI NEW SINGLE-FAMILY RESIDENCE – 43442 Bryant Street – (PLN2020-00254)** – To consider an application for Historical Architectural Review to allow the construction of a new two-story, single family residence with a new detached garage proposed behind an existing one-story 550 square-foot cottage constructed in 1900 that has been determined not to be a potential register resource located in the Mission San Jose Historical Overlay District, Bryant Street Neighborhood Conservation District, of the Mission San Jose Community Plan Area, and to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15303 (a) and (e), as the project only involves the construction of a single-family residence and there would be no potential impacts to historical resources and that the project will not have a significant effect on the environment due to unusual circumstances.

Principal Planner Wayland Li introduced the item.

Associate Planner Aki Snelling gave a brief presentation of the proposed project and surrounding area. Details included the following:

- Construction of a new two-story, 2,000 square-foot, single-family residence at the rear of a 7,500 square-foot lot.
- Construction of a 438 square-foot, two-car garage in the middle of the property.
- Development of a 10-foot driveway on the north-side of the property.
- Retainment of an existing single-story, 550 square-foot, residential cottage built circa 1900, to which no modifications will be done.
  - Existing cottage was determined not to be an historic resource, per study done by Page and Turnbull.
- Property is subject to the Mission San Jose Historical Overlay District Design Guidelines and the Bryant Street Neighborhood Conservation District Design Guidelines, to which the latter requires:
Preservation of small, single-family, residential homes that are in character with the neighborhood.

Neighborhood characteristics consist of simple, one-story, modest single-family dwellings built in the late 19th and early 20th centuries.

Developments should not mimic, but complement the surrounding neighborhood, while maintaining a varied and unique architectural style.

Use of compatible materials that would not grandstand above or beyond the existing houses in the neighborhood.

Ms. Snelling then responded to questions from the Board regarding the outdoor area, backyard landscaping and privacy screening, window placement and fire egress, and covered parking requirements, per the Mission San Jose Design Guidelines.

**Vice Chairperson McLauchlan** opened the public hearing and invited the applicant to speak.

**Jay Ni**, owner/applicant, thanked the Board for their thoughtful consideration of his project and stated his willingness to modify the plans to meet City requirements and the associated design guidelines for his neighborhood.

**Michael Ma**, project architect, spoke to the following issues:

- **Outdoor area:** The outdoor area/open space is 19 feet wide and 50 feet long, with an additional 21 feet of landscaping area at the rear of the property, which equals 1,000 square feet.
- **Landscaped privacy screen:** Mr. Ma stated that he and Mr. Ni are willing to add landscaping along the property lines to ensure privacy of neighboring homes.
- **Window placement:** The main egress windows on the second floor are positioned at the front and back of the house. Windows on the side of the house are primarily for bathroom ventilation and to provide natural light.
- **Additional covered parking:** The existing cottage did not originally have an associated parking garage and it was determined by City staff that additional parking was not required per City code and that the design guidelines do not explicitly require additional parking as it relates to the existing cottage.

Further discussion ensued on the topics of additional covered parking, the open space/patio area, the use of wood windows versus vinyl windows, and interpretation of the Mission San Jose Historical Overlay District and the Bryant Street Neighborhood Conservation District Design Guidelines. The Board debated whether to require additional covered parking for the existing cottage.

**Vice Chairperson McLauchlan** closed the public hearing.

**Board Member Adamson** moved to approve staff recommendation and **Board Member Cain** seconded.
Board Member Jacobs requested a friendly amendment to include wood windows in the construction of the new single-family home at the rear of the property and to incorporate a second garage into the design of the project. As the maker of the motion, Board Member Adamson denied the friendly amendment.

The Board then voted on the original motion made by Board Member Adamson, which failed due to a split decision.

IT WAS MOVED (ADAMSON/CAIN) AND MOTION FAILED DUE TO THE FOLLOWING VOTE (2-2-0-0-0) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: HELD PUBLIC HEARING; AND FAILED TO COME TO A CONSENSUS REGARDING THE PROPOSED PROJECT.

The motion carried by the following vote:
AYES: 2 – Adamson, Cain
NOES: 2 – Jacobs, McLauchlan
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Item 1. WITHERLY LANE HOMES – 750 – 830 Witherly Lane – (PLN2020-00037) – To consider Historical Architectural Review for a proposed development project consisting of an eight-lot subdivision, the construction of five single-family homes and one duplex, the conversion of an existing school building into a single-family home, and the preservation of an existing historic register-eligible single-family home in the Mission San Jose Community Plan Area, and to consider recommending to City Council adoption of a Mitigated Negative Declaration prepared and circulated for the proposed project in accordance with the California Environmental Quality Act (CEQA).

Principal Planner Wayland Li introduced the item.

Associate Planner Mark Hungerford gave a comprehensive presentation. Highlights included the following:

- The project site is zoned residential and is within the Measure A hillside area, but below the toe of the hill.
- The project site is outside the Mission San Jose Historical Overlay District.
- Proposed subdivision of property would consist of lots ranging in size from 20,046 to 36,113 square feet.
- Home sizes would range between 3,825 and 6,405 square feet, including garage.
- New private street would connect through Witherly Lane.
• Most notable feature is the Gallegos house; a two-story, single-family home built in 1882 that was relocated to its current location in 1974.
  o The Gallegos house was originally designed in the Italianate architectural style, but was subject to alterations in 1910 that added Colonial Revival elements.
  o The Gallegos house is a register-eligible historic resource for both the state and national registers.
  o Character defining features of the Gallegos house include two-story massing, a complex footprint, low-pitched roof with wide over-hanging eaves, wrap-around porch, window bays, and paneled bulkheads.
• The Gallegos house would be preserved in place and unaltered, but the lot would be reduced from 3.82 acres to 0.51 acres and the existing driveway would be shortened to accommodate a new private street that would provide access to the Gallegos house and the other homes within the development.
• Modifications to the area around the Gallegos house would include new landscaping with additional trees positioned between the house and the private street and a bioretention area designed as a landscape feature.
• Following relocation of the Gallegos house, a detached horse tack building and carport structure were built. Under this proposal, the horse tack building would be demolished and the carport structure would be retained for parking purposes of the Gallegos house.
• Other homes within the development would feature a variety of architectural styles, including a craftsman duplex for Lot 1, a craftsman farmhouse bungalow for Lot 3, and Mission Revival for the four most western lots.
• The school building located on Lot 8 would be converted into a single-family home and would retain its ranch style appearance.
• None of the home styles would attempt to replicate the Gallegos house in form or character, allowing the historic register-eligible resource to retain its prominence and clearly distinguished from the rest of the development.

Mr. Hungerford stated that staff finds the proposed project to be in conformance with the General Plan Policies related to conservation and protection of historic resources and that it is consistent with the Secretary of the Interior’s Standards for Rehabilitation. These findings provided in the staff report were aided by an applicant commissioned resource evaluation and standards review and a staff commissioned peer review of that evaluation. The peer review which included expanded analysis of overall project compatibility with the Secretary of the Interior’s Standards concurred with the original reports findings that owing to the Gallegos houses relocation and subsequent loss of integrity of location and setting, the project and subdivision would not result in a loss of resource integrity.

Mr. Hungerford concluded his presentation by speaking of the Initial Study and draft Mitigated Negative Declaration that were prepared for the project and stated that the analysis found, with mitigation incorporated, the project would have a less than significant impact on the environment. He said that mitigation would include surveying, monitoring, and protective measures put in place during construction.
activities to protect the Special Status California Tiger Salamander, which may have habitat on the north end of the site; and archeological monitoring during construction activities in certain areas, where prior ground penetrating radar identified possible cultural resources.

Mr. Hungerford then responded to questions from the Board related to view obstruction for the adjacent property at 880 Witherly Lane, as well as the Gallegos house, ground erosion at the north end of the project site, and zoning of the project location.

**Senior Deputy City Attorney Bronwen Lacey** clarified that the purview of the Board was to focus on the effects of the project of the historic resource.

**Vice Chairperson McLauchlan** opened the public hearing and invited the applicant to speak.

**Hayes Shair**, applicant/architect, spoke to the design of the project, as well as current uses on the site. This includes an existing Alison Montessori School operating under a long-term lease, which will eventually be converted back to a single-family home. Mr. Shair also spoke of the Gallegos house, its historical significance due to its association with Juan Gallegos, and the intention to preserve its integrity and make it the “star of the community.” He went on to review design elements, building materials, and elevations for the project.

Mr. Shair also responded to questions from the Board, with assistance from staff and **Stacey de Shazo**, co-owner and Principal Architectural Historian at Evans & De Shazo an Archaeology and Historic Preservation consulting firm. Topics included: building timeline, obstruction of views, zoning for the area, design elements, and retention of integrity of the Gallegos house.

**Vice Chairperson McLauchlan** invited public comments.

**Eugene Cheung**, owner/resident at 880 Witherly Lane, expressed his concern for the project with respect to altered views to and from the Gallegos home, stating that the view and resulting feel from such a cultural historic resource were part of the homes character and advocated for preservation of the view corridor. He stated that he was not opposed to the project, per se, but that he would like to see harmony and consistency with regards to the Gallegos home, as well as the surrounding semi-rural environment, which includes his house.

**Mark Cohen**, attorney for Eugene Cheung, began by confirming that Board Members had received his letter dated January 4, 2021 (attached). He then referenced the historical analysis report from Page and Turnbull saying that the report concluded that the proposed project does not appear to comply with the Secretary of the Interior’s Standards of Rehabilitation as the proposed construction includes some features incompatible with the historic features of the Gallegos house, and emphasized that the
proposed duplex intended for Lot 1 was fundamentally antithetical to the historic character of the Gallegos home.

**Stacy Kozakavich**, Cultural Resources Planner/Archaeologist with Page and Turnbull then responded to questions from the board regarding the historical analysis done with regards to the setting of the register-eligible historic resource.

**Vice Chairperson McLauchlan** closed the public hearing.

**Vice Chairperson McLauchlan** moved to recommend to the City Council, adoption of the Mitigated Negative Declaration and approval of the project with the following conditions:

- Maintain the existing private drive to the Gallegos house on Lot 2 only; and
- Reduce the size of Lot 3 from 20,690 square feet to 20,000 square feet; and
- Increase the size of Lot 2, the Gallegos house, from 22,110 square feet to 22,800 square feet to accommodate the bioretention basin; and
- Completion of Lots 3, 4, and 5 during the first phase of construction and for access to said Lots be limited to common Lot B only; and
- Lot 1 would remain open and not include a duplex to preserve views to and from the Gallegos house.

**Board Member Cain** seconded and the motion carried.

IT WAS MOVED (MCLAUCHLAN/CAIN) AND CARRIED BY THE FOLLOWING VOTE (3-1-0-0-0) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: HELD PUBLIC HEARING; AND RECOMMENDED THE CITY COUNCIL:

ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN AS SHOWN IN EXHIBIT “A”, AND FIND THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT, AND THAT THE PROJECT, AS MITIGATED, WOULD NOT RESULT IN A SUBSTANTIAL ADVERSE IMPACT TO THE POTENTIAL REGISTER RESOURCE;

AND

FIND THAT THE PROPOSED PROJECT IS CONSISTENT WITH THE SECRETARY OF THE INTERIOR’S STANDARDS FOR PRESERVATION AND REHABILITATION AND OTHER APPLICABLE STANDARDS PURSUANT TO FREMONT MUNICIPAL CODE SECTION 18.175.220 AND RECOMMEND APPROVAL TO THE PLANNING COMMISSION AND THE CITY COUNCIL
PURSUANT TO THE FINDINGS AND SUBJECT TO CONDITIONS IN EXHIBIT “D”.

The motion carried by the following vote:
AYES: 3 – Cain, Jacobs, McLauchlan
NOES: 1 – Adamson
ABSTAIN: 0
ABSENT: 0
RECEIVE: 0

MISCELLANEOUS ITEMS

Item 1. Election of Officers

Board Member Jacobs nominated Thomas McLauchlan to serve as Chairperson and Alta Jo Adamson to serve as Vice Chairperson. Board Member Cain seconded and the motion carried unanimously.

Information from Commission and Staff:

• Information from staff, as reported by Principal Planner Wayland Li:
  o The next Board meeting is scheduled for February 4, 2021.

• Information from Commission: None

ADJOURNMENT

Meeting adjourned at 9:36 p.m.

APPROVED BY:

Wayland Li, Secretary
Historical Architectural Review Board