#### CITY OF ELK GROVE HISTORIC PRESERVATION COMMITTEE

#### **Committee Members:**

Dennis Buscher | Gurjatinder Randhawa | Daniel Ming | Daniel Tarnasky Peggy Forseth-Andrews | Brian Van Lente | Daljit Sandhu

# SPECIAL MEETING Tuesday, September 15, 2020, at 5:00 p.m. Virtual Meeting

#### **AGENDA**

The City of Elk Grove Historic Preservation Committee welcomes, appreciates, and encourages participation in the Meetings. The Historic Preservation Committee reserves the right to reasonably limit the total time for public comment on any particular noticed agenda item as it may deem necessary.

Consistent with Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, by the Governor of the State of California, this meeting will be conducted by teleconference only.

Members of the public may join the Zoom meeting by registering at: https://zoom.us/webinar/register/WN 4bK77mEHSEeKCs6haJoS3A

Members of the public who wish to provide public comment for matters on the agenda are encouraged to submit those comments in writing prior to the meeting by emailing the Planning Clerk at <a href="https://hpc@elkgrovecity.org">hpc@elkgrovecity.org</a>. Such written comments must be received by 3:00 p.m. the day of the Zoning Administrator hearing to ensure that the written comments are provided to the Historic Preservation Committee and staff.

Members of the public are encouraged to submit their written comments as far in advance of the meeting as reasonably practical.

#### 1. CALL TO ORDER/ROLL CALL

#### 2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public comment regarding matters not on the Agenda that the Historic Preservation Committee has jurisdiction over. Each speaker is limited to one three-minute opportunity.

#### 3. APPROVAL OF AGENDA

#### 4. APPROVAL OF MINUTES

4.1 Minutes of the August 10, 2020 meeting

#### 5. PROJECT UPDATES AND STAFF REPORTS

#### 5.1 Public Hearing for a Major Certificate of Appropriateness

Application Title/File No.: 8998 Elk Grove Boulevard Fence/PLNG20-021

Property Address/APN: 8998 Elk Grove Boulevard/125-0221-004

Project Description: The Proposed Project consists of a Major Certificate of Appropriateness to legalize an existing open material metal fence measuring 4 feet, 8 inches tall to top rail (5 feet, 6 inches tall at top post) located near the front property line for an existing commercial historic building.

The Historic Preservation Committee's recommendation will be forwarded to the City's Development Services Director for final consideration.

#### 5.2 Annual Certified Local Government Training

#### 6. FUTURE AGENDA ITEMS

The Committee may provide direction to Staff for future agenda items.

#### 7. ADJOURNMENT

#### ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Planning Manager, Antonio Ablog at (916) 627-3335. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to his meeting.

Information on the Elk Grove Historic Preservation Committee is available on the Internet, at http://www.egplanning.org/preservation/



## **Historic Preservation Committee Staff Report**

September 15, 2020

**PROJECT:** 8998 Elk Grove Boulevard -As built Fence

Major Certificate of Appropriateness

FILE No.: PLNG20-021

**LOCATION:** 8998 Elk Grove Boulevard

**APN**: 125-0221-004

**STAFF:** Kyra Killingsworth, Senior Planner

#### PROPERTY OWNER/PROJECT APPLICANT:

Chen Cuong Enterprises, LLC Andy Chen and Judy Cuong (Representatives) 9993 Whirlaway Lane Elk Grove, CA 95624

#### **Staff Recommendation**

Staff recommends that the Historic Preservation Committee make a determination recommending that the Development Services Director:

- 1. Find the Project Exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Existing Facilities); and
- 2. Approve a Major Certificate of Appropriateness for the 8998 Elk Grove Boulevard Fence Project (PLNG20-021) subject to findings included in this staff report.

#### **Project Description**

The proposed Project consists of a Major Certificate of Appropriateness to legalize an existing open material metal fence measuring 4 feet, 8 inches tall to the top rail (5 feet, 6 inch tall at top of post) located near the front property line for an existing commercial historic building at 8998 Elk Grove Boulevard in the Old Town Historic District.

#### Project Setting and Background

The Project site consists of an approximately  $\pm$  0.47 acre parcel located on Elk Grove Boulevard between the intersections of Gage Street and Walnut Avenue in the Old Town Special Planning Area (See Figure 1 and 2). Low density residential development is to the south; other commercial businesses directly to the east, and north; and an assembly use to the west of the project at Gage Street. Table1 identifies the existing uses, General Plan land use designations, and zoning districts for the Project and for the neighboring properties.

The craftsman-style bungalow structure and detached accessory building on the property were built in 1910's and were once known as the "Taverner Residence". The structure was a residence until later transitioning into commercial use in the late 1980's. The Secret Garden and the Byblos Art and Garden commercial businesses formerly occupied this location. In 2012, the Planning Director approved an Old Town Design Review Type 1 application (File No. EG-12-044) for potted plants for front yard landscaping, wrought iron fence, and wall sign for the Byblos Art Garden

business (which was the last active commercial business at this property). For the application, Planning staff reviewed consistency with the Old Town Special Planning Area. The fence and potted plant landscaping constructed pursuant to the prior approval were not considered historic as they were built in 2012 and it have since been removed.

The fence that is the subject of this application is already constructed and completed without a going through the proper process with the Planning Division. Therefore, the Code Enforcement Division cited the fence owner (Case No. 20-0657). After citation was given to the property owner, the Applicant submitted an application to the Planning Division for an Old Town Design Review Type 1 and a Major Certificate of Appropriateness.

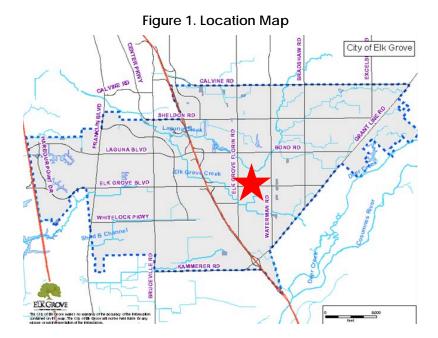




Table 1. Adjacent Land Designations and Uses

	Existing Uses	General Plan	Zoning	
Project	Commercial Building	Community Commercial	OTSPA* -	
Site	_	CC	Commercial	
North	El Dorado Savings Bank	Community Commercial	OTSPA -	
		CC	Commercial	
South	Single-Family Residential	Low Density Residential	OTSPA-Residential	
		LDR		
West	Commercial and The Elk Grove	Community Commercial	OTSPA-	
	United Methodist Church	CC	Commercial	
East	Office Building	Community Commercial	OTSPA-	
		CC	Commercial	

<sup>\*</sup> OTSPA -Old Town Special Planning Area

#### **Project Analysis**

Pursuant to Elk Grove Municipal Code (EGMC) Section 7.00.070(C), a Major Certificate of Appropriateness applies to major alteration(s) that has the potential for significant impact to a designated historical resource. Major alterations include, but are not limited to, the following: (a) additions; (b) new construction of a primary structure; and (c) demolition of contributing resources of historic districts listed in or eligible for listing in the Elk Grove Register of Historic Resources, California Register of Historic Resources or National Register of Historic Places. A craftsman-style bungalow structure and detached accessory building are situated on the Project site are determined to be a contributing resource in the Old Town Special Planning Area.

A historic resource evaluation in 2012 for this property (see Attachment 2) determined that the building appears to meet the criteria for listing on the California Register listed resources. In the City's 2019 historic resources survey and evaluation report, it was noted that site property continues to be listed in the National Register of Historic Places and is eligible for listing in the Elk Grove Register of Historic Resources and California Register of Historic Resources. The fence (See Figures 3 and 4) is considered an alteration and new addition to the historic property; therefore, a Major Certificate of Appropriateness is required.



Figure 4. As-Built Elevation



The open material metal fence is 4 feet, 8 inches tall to the top rail and 5 feet, 6 inches tall to the top post and situated approximately 5 feet (See Table 2) from the front property line, which is a similar location as the 2012 approved fence which has since been removed. The as-built fence depicts Elk Grove historic designs on a portion of the fence. The fence will not result in substantial adverse change to the historical resource as it is not connected to the primary structures. The fence is majority open and does not obstruct the view of the historic structures on the property. There are no alterations to the craftsman-style bungalow or detached accessory structure with this application.

Table 2. Conformity with Development Standards

Development Standard	Required	Proposed	Complies	
Building Setbacks	Front Yard: ≤7.5 feet Side Yard: 0 feet	5 feet	Yes	
Fence Height	10 feet Maximum	5 feet 6 inches	Yes	

The Applicant has expressed the reason for the fence is to install a fence that serves as public art. The fence design is unique; however, there are other open material fences in the neighborhood, for example the adjacent property to the west has an open material wrought iron fence. There are a few other short height open metal fences located to the east of the railroad tracks for other commercial businesses in the historical district.

#### Secretary of the Interior's Standard

The fence must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) to ensure that the fence does not negatively affect the preservation of the property's historic significance through the preservation of its historic materials and features. The Secretary of the Interior's Standards allow for rehabilitation, which is the act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values. The goal of rehabilitation is to encourage the continued use and repair of a historic building while allowing

appropriate alterations to ensure their contemporary use. The rehabilitation standards acknowledge the need to alter or add to a historic resource to meet continuing or changing uses while retaining the property historic character. The Project is an open metal fence situated in the front property. The fence is not a permanent alteration of the property, its design is considered contemporary, but it will not alter the historic structures and will not create a false sense of history.

#### Old Town Type 1 Design Review

The installation of new fences, walls, or planters at least 24 inches in height in Old Town required a Type 1 Design Review application with the review authority by the Development Services Director. As mentioned above, the fence will be a maximum height of 5 feet 6 inches tall to the top post and is a metal fence with decorative art displaying the historic characteristics of Elk Grove. The Applicant expressed that the fence will be painted a darker gray antique look. Staff believes the colors of the fence shall be more compatible with existing signage in the historic district (See Figure 5), with a color scheme of browns and blacks. Staff added a condition to the condition of approval to ensure that the fence has a color schemes as the other site design in Old Town. The Historic Preservation Committee is not the review authority for the Type 1 Design Review, only on the Major Certificate of Appropriateness.



Letters from Commenting Agencies

This Project was circulated to various City, County and State agencies for review. Comments from agencies have either been address through the processing of the Project or have been included as draft conditions of approval in Attachment 1, Exhibit C. The Old Town Foundation provided a letter stating that the Foundation supports the as-built fence.

#### **Environmental Analysis**

CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

The Project is exempt from further environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines based on the finding in the attached draft Resolution (Attachment 1).

#### **Recommended Motion**

Should the Historic Preservation Committee agree with staff's recommendation, the following motion is suggested:

"Recommend that the Development Services Director find the Project exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures ) and approve the Major Certificate of Appropriateness for the 8998 Elk Grove Boulevard Project (PLNG20-021) subject to the findings contained in the draft Resolution."

#### **Attachments**

- 1. Draft Resolution for Recommendation
  - Exhibit A Project Description
  - Exhibit B Project Plans
  - Exhibit C- Recommended Conditions of Approval
- 2. California Department of Parks and Recreation (DPR) Form 523 for 8998 Elk Grove Boulevard

## RESOLUTION NO. HPC-2020-XX SEPTEMBER 15, 2020

A RESOLUTION OF THE CITY OF ELK GROVE HISTORIC PRESERVATION COMMITTEE RECOMMENDING THAT THE DEVELOPMENT SERVICES DIRECTOR FIND THE PROJECT EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15303, AND APPROVE A MAJOR CERTIFICATE OF APPROPRIATENESS FOR THE

#### 8998 ELK GROVE BOULEVARD FENCE PROJECT FILE NO. PLNG20-021 8998 ELK GROVE BOULEVARD APN: 125-0221-004

WHEREAS, the Development Services Department of the City of Elk Grove (the "City") received an application on June 11, 2020, from Chen Cuong Enterprises, LLC (the "Applicant") requesting a Major Certificate of Appropriateness for the 8998 Elk Grove Boulevard Project PLNG20-021(the "Project"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs: 125-0221-004; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Old Town Special Planning Area (OTSPA), the Elk Grove Municipal Code Title 23 (Zoning) and Title 7 (Historic Preservation), and all other applicable Federal, State, and local regulations; and

**WHEREAS**, the Historic Preservation Committee of the City of Elk Grove (the "HPC") held a duly-noticed public hearing on September 15, 2020, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that the Historic Preservation Committee hereby recommends that the Development Service Director find that the proposed Project does not require further environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) the following finding:

#### **CEQA**

<u>Finding</u>: The Project is exempt under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15303(New Construction or Conversion of Small Structures).

<u>Evidence</u>: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

The Project is exempt from CEQA pursuant to CEQA Guideline Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations. CEQA Guidelines Section 15303 (e) applies to projects that consists of

construction and location of limited numbers of new, small facilities, or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The Project consists of Type 1 Design Review and Major Certificate of Appropriateness to legalize an open material metal fence for an existing commercial business measuring 4 feet, 8 inches to the top rail and 5 feet, 6 inches to the top post. The existing structures were built in the 1910's as a residence and later transitioned into a commercial use in the late 1980's. The fence is situated at the front of the property and is not connected to any of the existing structures. An open material fence was constructed in front of the property in 2012 but has since been removed. The exterior improvement does not alter the craftsman-style bungalow or any other historically significant resources on the site as the fence is not connected and an open material.

The fence would not present an adverse change to the historic character of the structures as there are no circumstances that would create the possibility of an adverse effect on the environment the fence is an open material and the historic structures can still be viewed from the street. The structures will retain their historic character and no expansion of the existing structure is proposed with this application.

**AND, BE IT FURTHER RESOLVED**, that the Historic Preservation Committee hereby recommends that the Development Services Director make a determination approving a Major Certificate of Appropriateness as described in Exhibit A and illustrated in Exhibit B for the 8998 Elk Grove Boulevard Fence Project (PLNG20-021), based upon the following findings:

#### **Major Certificate of Appropriateness**

As required per EMC Section 7.00.070, a Major Certificate of Appropriateness application shall be approved if all the following findings are met:

<u>Finding 1:</u> The proposed work does not result in substantial adverse change to the historical resource.

Evidence 1: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings allow for making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey historical values. The fence is a contemporary alteration to the property but will not modify the historic values to the existing structure or property. The fence is an open material iron fence with decorative features intended to convey the historical character of Old Town Elk Grove. The fence will not result in a substantial adverse change to the historic resource as the open material of the fence allows for the structure to still be seen from the street.

<u>Finding 2:</u> The proposed work is consistent with and supportive of the goals and policies of the historic district plan (if the resource is located within a historic district).

<u>Evidence 2:</u> The Project is located in the Old Town Special Planning Area, which allows for fences with heights over 24 inches with a design review process. There are a variety of existing fences in the historical district from wooden to open materials. Even though

there only a few fences along Elk Grove Boulevard, there are existing fences that are located along the street are open materials.

<u>Finding 3:</u> The proposed work complies with "The Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" or "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes".

<u>Evidence 3:</u> The SOI maintains The Guidelines for the Treatment of Historic Properties which includes specific standards for the rehabilitation of historic properties. For Rehabilitation projects, the SOI outlines the following items that must be accomplished as part of the building's treatment.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

The as-built fence is situated at the front of the property along Elk Grove Boulevard and is not attached to any historic structures. The fence is an open material and there are no changes to the historic structures proposed with this application.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

The historic resources on the site is are a 1910 craftsman-style bungalow structure and accessory structure. There will be no changes to these structures. The fence is an open material metal fence that will not alter the historic resources and views of these structures from the street will remain.

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

There will be no modifications to the historical resources with this application. The fence is not attached to the historic structures and will not create a sense of false historical development. The fence is open material and will be situated in the front property. The Applicant expressed the fence is to protect the historical structures from potential vandalism. The fence will stand separate from the existing structures and can be removed with no damage to the historical resources should the need arise.

4. Changes to a property that have acquired historic significance will be retained and preserved.

No alterations have acquired any historic significance beyond the significance of the original structures.

5. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The existing structure will be maintained with no changes; therefore, the character of the property will be preserved. The material of the fence is a decorative open metal material that is a contemporary design style, but as mentioned above, the fence will not be attached to the historic resource.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

There is no work to be done at this time on the historic resource.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

There is no work to be done at this time on the historic resource.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

All work shall halt if archaeological resources are discovered during construction activities. Such resources shall be surveyed by a qualified archaeologist to determine significance.

9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The open material fencing will not destroy the historic resource as the fence is not attached to the structures and will stand at the front property near the street. The fence will appear as a contemporary design and will not be a false recreation of any historic construction. The fence will not be detrimental to the historic character of the property and is intended to showcase the history of the City through its design details as public art.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The as-built fence is not attached to the historic resources. The fence will stand separate from the existing structure and can be removed with no damage to the historical resources should the need arise.

<u>Finding 4:</u> If located within a historic district, the proposed work does not result in a substantial adverse change to the historic district as a whole; and.

<u>Evidence 4:</u> The Project will not result in a substantial adverse change as there are other open material fencing along Elk Grove Boulevard.

<u>Finding 5:</u> If located within a historic district, the proposed project is consistent with and supportive of the goals and policies of the historic district plan.

<u>Evidence 5:</u> The Project is located in the Old Town Special Planning Area, which allows for fences with heights over 24 inches with a Type 1 design review process. There are a variety of existing fences throughout the historical district from wood to open metal material. Even though there only a few fences along Elk Grove Boulevard, there are existing fences that are located along the street are open materials.

AYES: NOES: ABSENT: ABSTAIN:	
ATTEST:	
	_
Margo Nayyar,	Daniel Ming, CHAIR of the
HISTORIC PRESERVATON	HISTORIC PRESERVATON COMMITTEE
COMMITTEE SECRETARY	

Exhibit A 8998 Elk Grove Boulevard Fence (PLNG20-021) Project Description

#### **PROJECT DESCRIPTION**

The proposed Project consists of a Major Certificate of Appropriateness to legalize an existing open material metal fence measuring 4 feet, 8 inches tall to the top rail (5 feet, 6 inch tall at top of post) located near the front property line for an existing commercial historic building at 8998 Elk Grove Boulevard in the Old Town Historic District.



Exhibit B 8998 Elk Grove Boulevard Fence (PLNG20-021) Project Plans



	Recommended Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
	OING			
1.	Development and operation of the proposed Project shall be consistent with the Project Description and Project Plans as provided in Exhibits A and B, incorporated herein by this reference. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2.	The construction and on-going maintenance of the facility shall comply with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The building plans shall indicate compliance with these standards including identification of historic features for preservation, treatment of original materials, preservation of character defining features, and replacement or repair of existing features using similar materials	On-Going	Planning	
3.	The Planning Division shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.	On-Going	Planning	
4.	The color scheme of the fence shall comply with the same colors as the entire Old Town Historic District and as shown on Figure 5 of the staff report. The proposed paint color shall be submitted to the Planning Division for review.	On-Going	Planning	

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DPR 523A (1/95) \*Required information

State of California & The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

### **CONTINUATION SHEET**

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Page 2 of	_2_	*Resour	rce Name or # (Assigne	d by recorder)	Trave	rner Residence
*Recorded by:	Page & Turnbull	*Date	02/13/2012		tion	☐ Update



View of east facade of Travernor Residence and north facade of shed (Page & Turnbull, 02/13/2012).

DPR 523A (1/95) \*Required information