



Dear Mayor and Council Members:

On behalf of City Manager Ed Shikada, please find below staff responses to Item 12 regarding the [Monday, October 16 Council Meeting](#) consent agenda item.

Item 12: 340 Portage Avenue and 3201-3225 Ash Street [23PLN-00226]: Denial of Resident's Request for Historic Designation of the Cannery Building located at 200-404 Portage Avenue as well as the Office Building at 3201-3225 Ash Street as Category I or II Resources on the City's Local Historic Inventory. Environmental Assessment: Exempt from the Provisions of the California Environmental Quality Act (CEQA) In Accordance with CEQA Guidelines Section 15061(b)(3)

1. Are the recommendations to deny the resident's request for historic designation of the Cannery AND the Ash Building. I understand denial of the Cannery building as approving a historic designation would effectively undue Council's recent approval of the project, but the Ash building is left intact and so can you describe the potential impacts on the project if the Ash building were to be preserved? Also, procedurally, is there a way to separate these two items and vote on consent to deny the request for the Cannery Building but refer the discussion on the Ash building to another meeting? I assume the answer to the last question is no, and we'd have to remove both items from consent, but just wanted to be sure. Separately, if the application is not heard by the Council can all or a portion of the application fee be refunded?

Staff response: Starting with the second question, no, the item would need to be pulled in its entirety and the matter scheduled for a future meeting. Regarding the initial question, staff does not believe the designation of the Ash building as a local landmark at this time would materially affect the Sobrato development agreement entitlements, however, staff does not recommend taking such action right now. The historic analysis and historic resources board review provides that the Ash building is not individually eligible for listing and really ought to be considered in the context of the entire site. The Development Agreement requires review and listing for any of the registers for which the site would be eligible including local listing, California landmark status, California historical point of interest status, and National Register listing. Moreover, the Ash building is protected in its current form today and any substantive change to that building would require Council review through a Planned Community zoning amendment.

Regarding refunding the application fee, the municipal fee schedule includes a provision that refunds appellants if an item is not taken up by Council, but this does not apply to the subject application. The application fee was about \$1500. Staff is unable to administratively waive this application fee. Based on the circumstances of this application, if Council approves the item as recommended, staff anticipates preparing a consent calendar report to authorize the Council's refunding of this application fee. Staff would then return next year when the municipal fee schedule is next amended to formally authorize a refund under similar circumstances.