



DATE: October 12, 2021

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Historic Preservation Ordinance and Historic Register Request for Proposals**

RECOMMENDATION

Direct staff to issue a Request for Proposals for an updated Historic Preservation Ordinance and Historic Register.

BACKGROUND

The Zoning Ordinance includes standards and procedures for the designation and preservation of historic resources (Mountain View City Code Section 36.54.45 through Section 36.54.97) (Attachment 1 – Historic Preservation Ordinance). This language was adopted in 2004 along with a Register of Historic Resources (Historic Register – Attachment 2). The City’s Historic Preservation Ordinance (Ordinance) includes procedures for designating historic resources, procedures for approval of modifications to historic resources, and incentives.

CEQA and Historic Resources

The California Environmental Quality Act (CEQA) provides procedural protection for any structures deemed to be historic resources or of historic significance at the local, State, or national level. Therefore, the CEQA process requires assessment of whether a project includes a historic resource. Applications proposing demolition or a significant adverse change to a historic resource would be deemed to potentially cause a significant environmental impact under CEQA, which would require preparation of an Environmental Impact Report (EIR) and adoption of a Statement of Overriding Considerations if the impact could not be mitigated to a less-than-significant level. The City has discretion not to adopt a Statement of Overriding Considerations, which gives the City discretion to deny a project that would significantly impact a historic resource. Conversely, the City may adopt a Statement of Overriding Considerations to approve a project despite the project’s impact to historic resources; thus, the protections under

CEQA are substantial, but not absolute, providing for the evaluation, disclosure, and due consideration of specific impacts prior to a City Council decision.

Council Major Goals and Strategic Roadmap

In Fiscal Year 2019-20, Council included in its Major Goals a work item to update the City's Historic Preservation Ordinance, including updates to the City's Historic Register of resources and incentives to property owners to improve and maintain such resources.

In 2018, Senate Bill (SB) 50 was proposed (but ultimately not enacted), which provided little discretion to agencies if projects strictly complied with objective standards. Staff noted at that time that SB 50 would have protected historic resources identified prior to 2010, and any updates to the City's Historic Register after that would not be protected by the law. Council directed staff to work on the Downtown Precise Plan (Phase 1), which was a limited review of Areas A, G, and H, including design standards, minimal ground-floor land use changes, and to review whether the area, or portions thereof, could be considered a historic district under existing State and Federal definitions.

In a June 8 2021 Study Session, Council received a report on the initial review by the historic consultant, TrenorHL, which found that, while downtown has some historic structures at the local, State, and national level, overall there are relatively few qualifying buildings, and it would not meet the criteria to create a downtown historic district. At the Study Session, Council expressed interest in a fresh look Citywide at the Historic Register, a downtown historic district, and updates to the City's Historic Preservation Ordinance.

The City Council included a project to update to the Historic Preservation Ordinance as part of the 2021-23 Strategic Roadmap.

ANALYSIS

The purpose of a historic preservation ordinance is to establish local regulations for the protection of historic resources within the community and set forth criteria and procedures for identifying historic resources, incentivizing their preservation, and acting on requests for modifications of historic resources. An accompanying Register of Historic Resources acts as the list of identified historic resources that the historic preservation ordinance applies to.

The City has established local criteria for what can be considered a historic resource. There are also separate State and National Register criteria which provide for evaluation

of resources for State and national historic significance. Mountain View's current local criteria are as follows:

- a. Is strongly identified with a person who, or an organization which, significantly contributed to the culture, history, or development of the City of Mountain View;
- b. Is the site of a significant historic event in the City's past;
- c. Embodies distinctive characteristics significant to the City in terms of a type, period, region, or method of construction or representative of the work of a master or possession of high artistic value; or
- d. Has yielded, or may be likely to yield, information important to the City's prehistory or history.

There are several reasons to update the City's Ordinance and Register:

- Updates to the Ordinance and Register are occasionally necessary as the periods of historic significance and community goals pertaining to historic preservation change over time.
- Updating the Register can streamline development review by reducing the need for historic studies on many projects.
- Since 2004, court cases have established that historic resources do not need to be on a register to be protected under CEQA. This means that reference to our local Register and procedures alone will not make clear the requirements that a property may be subject to. The project would update those procedures and the Register to provide greater consistency and transparency.
- Updating the Ordinance provides the opportunity to establish a process and criteria for the designation of local historic districts, which is not currently included in the Ordinance.

Ordinance and Register Update Process

Staff recommends the following process for updating the Ordinance and Register:

1. RFP. Staff will issue a Request for Proposals (RFP) for qualified consultants to assist with the project. Review and selection of a consultant is expected to take approximately four months. Staff will return to Council in the first half of 2022 with

a consultant selection, scope of work, and request to appropriate funds for the project.

2. Outreach Methodology. The RFP will include a specific request for outreach expertise and proposals for innovative outreach methods, such as virtual meetings and interactive tools. The project team will reach out to affected property owners, neighborhood and interest groups, and the general public. Outreach goals could include input for the Context Statement (see next), input on the existing Ordinance and opportunities for changes, and education about historic preservation laws and strategies.
3. Context Statement. A context statement will provide the foundation for preservation planning by establishing themes, geographical areas, and periods of significance. It will also identify important associated property types and establish eligibility criteria and integrity thresholds.
4. New Citywide Survey and Update to the Historic Register. To prepare this, the project team would review past surveys, the most recent of which was a Citywide comprehensive survey done in 2008, and conduct a new Citywide survey to identify additional resources that need to be added to or removed from the Historic Register.
5. Outreach. The project will include a significant outreach component to get public input on the framework for the Ordinance and inform property owners about the Historic Register and the benefits and requirements of owning a historic property.
6. Draft Updated Ordinance. The project team will review the City's existing Ordinance and propose modifications with updated procedures, criteria, etc., to align with current laws and best practices.
7. Study Sessions. The project team will check in with the Environmental Planning Commission and City Council to review the draft context statement/Ordinance framework and draft Ordinance and Historic Register.
8. Adoption. The City will adopt the Context Statement, Ordinance, and updated Historic Register.

Steps 3 and 4 can happen concurrently, and staff expects these steps will take approximately 10 to 12 months. Step 5, public outreach, will begin after that in order to receive input from the public on the context statement, framework for the Ordinance, and to provide updated information on the Historic Register. It is expected that Step 5 will take about two months. Steps 6 through 8 will take another six to eight months.

Altogether, Steps 3 through 8 are expected to take about 18 to 22 months after the consultant is selected in the first half of 2022.

Following the completion of the process above, surveys will be conducted periodically to update and maintain the Historic Register.

FISCAL IMPACT

An initial estimate of the total costs for this project are as follows:

Outreach, Context Statement, Ordinance	\$100,000
CEQA	50,000
New surveys	200,000
Legal support	<u>50,000</u>
BASE TOTAL	<u>\$400,000</u>

There are adequate funds in the Land Use Documents Fee account to cover these costs. The Land Use Documents Fee is collected from new development for the purpose of updating major land use documents like the Zoning Ordinance. When staff returns to Council for approval of the contract with the selected consultant, staff will recommend that funds be appropriated from this source.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Eric Anderson
Principal Planner

Stephanie Williams
Planning Manager/
Zoning Administrator

Approved by:

Aarti Shrivastava
Assistant City Manager/
Community Development Director

Audrey Seymour Ramberg
Assistant City Manager/
Chief Operating Officer

EA-SW/6/CAM/899-10-12-21CR
201259

- Attachments: 1. Historic Preservation Ordinance
2. Register of Historic Resources