

DATE: December 12, 2023

TO: Honorable Mayor and City Council

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TITLE: **Historic Preservation Ordinance and Historic Register Update: Scope of Deliverables and Analysis**



STUDY SESSION MEMO

PURPOSE

Provide an update to the City Council on the Historic Preservation Ordinance and Register Update project and receive direction on the project scope of work, including goals, deliverables, scope of the historic survey, and outreach plan.

BACKGROUND

The City has had a Historic Preservation Ordinance (“Historic Ordinance” or “Ordinance”) (Attachment 1—[Historic Preservation Ordinance](#)) and the Mountain View Register of Historic Resources (“Historic Register” or “Register” or “MVRHR”) (Attachment 2—Historic Register) since 2004. Together, these tools help the City preserve historically and culturally significant buildings as well as their character-defining features. The Register is the inventory of buildings, structures, objects, and sites designated by the City Council as historic resources. The Historic Preservation Ordinance sets designation criteria, the designation process for the Historic Register, the process to remove sites from the Register, incentives and benefits, permit requirements, and the development review process. The purpose is to preserve the integrity as well as the look and feel of historically important buildings and neighborhoods.

There are several key reasons to update the Ordinance and the Register at this time:

- The existing Register does not include a complete list of properties (known and unknown at this time) that require historic permits for a number of reasons as discussed later in this memorandum. As a result, property owners are not aware of the requirements before they design and submit projects. Additionally, it substantially affects the project design and requires a review of the impacts to the historic structure and extends the permitting process, which could have been avoided if the owner had been aware of the historic status of the property. Updating the Register to list all structures that require a historic permit

will provide information early to property owners about the requirements and streamline development review by avoiding the need for historic studies and project revisions after a property owner has submitted an application for development.

- Updates to the Ordinance and Register are necessary as the periods of historic significance and community goals pertaining to historic preservation change over time. As a result, additional structures would require historical review.
- Since 2004, court cases have established that historic resources do not need to be on a register to be protected under the California Environmental Quality Act (CEQA) when a discretionary permit or approval is required. CEQA may, therefore, require reviewing a project for potential historic status even if it is not on the local Register. This means that the City's Historic Ordinance, local Register, and procedures alone will not make clear the requirements that a property may be subject to, especially pursuant to CEQA. This project would update the Historic Ordinance and the Register to create a list of properties subject to historic review and a consistent set of procedures for them. (Staff would like to note that even after this update, it will be necessary to update the Register periodically since new properties become age-eligible and may be identified as historically significant over time.)
- Since 2017, State laws have been proposed, and some enacted, that require some development approvals to be ministerial, based on objective standards (i.e., Senate Bill (SB) 35) and without CEQA review. While those State laws provide some protection for historic resources, the properties would need to be designated on a Register (not just found eligible) to qualify as historic for purposes of State laws.
- Updating the Ordinance provides the opportunity to establish a process and criteria for the designation of local historic districts, which does not currently exist, and include a more comprehensive list of incentives and other updates to address property owner and community input.

Current Ordinance

The Ordinance includes the following designation criteria for the Mountain View Register of Historic Resources ("MVRHR" or "City Register"), which parallel closely the criteria for the California Register of Historic Resources ("CRHR" or "California Register") and the National Register of Historic Places ("NRHP" or "National Register") (Attachment 3 to this memorandum):

- 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;

- Is the site of a significant historic event in the City’s past;
- 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
- Has yielded, or may be likely to yield, information important to the City’s prehistory or history.

The Ordinance also contains:

- Procedures for listing on and removal from the MVRHR;
- Permit requirements for properties on the MVRHR and eligible for CRHR and NRHP; and
- Incentives and benefits for properties on the MVRHR, including significant property tax reductions through a Mills Act contract.¹ Only those properties on the MVRHR are eligible for property tax reduction and other incentives in the Ordinance.

Current Register

Under the Ordinance, property owners may remove themselves from (or “opt off”) the MVRHR, but there are strict time constraints to doing so.

- Within six months of the adoption of the Ordinance in 2004, property owners were allowed to submit a request in writing that their property be removed from the MVRHR.
- Properties remaining on the MVRHR after the six-month removal period would stay on the MVRHR and cannot be removed for 10 years from the initial designation. Every five years thereafter, on the anniversary of the designation, properties may apply for removal.

In 2004, 93 properties were initially put on the MVRHR. In 2005 (within six months of adoption), 56 properties out of 93 removed themselves from the MVRHR, and 37 remained on the MVRHR. Since then, some of the properties have been deemed ineligible for listing after a detailed historic analysis performed during project review—either due to significant structure modifications that were not initially identified or because the detailed review revealed that the structure did not

¹ The Mills Act is an important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners. Enacted in 1972, the Mills Act legislation grants participating local governments the authority to enter into contracts with owners of qualified historic properties, who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. Additional details can be found here: https://ohp.parks.ca.gov/?page_id=21412.

meet the criteria for the MVRHR, CRHR, or NRHP. In addition, some have been relisted by property owners to take advantage of incentives. Most of the 37 properties that did not “opt off” are still on the Register, except one that opted off since 2005 and one that was demolished with Council approval. The current Register includes 45 properties; however, 45 properties that have opted off since 2005 may still be eligible under the “local criteria” adopted in the Ordinance (Attachment 2). Properties that are only eligible under “local criteria” are not protected unless they are on the Register or require review through CEQA for a discretionary planning permit.

Some of the properties that have opted off the Register may still have State or national significance and, if so, would require a historic permit and CEQA review for modifications to their structures. However, they are not eligible for property tax reduction and other incentives that are available in the Ordinance to properties on the MVRHR. Property owners who originally removed their properties or new owners may not be aware of this potential benefit, which can be addressed through this project.

Development Process for Historic Properties

The Ordinance requires a Historic Preservation Permit for modifications to properties that are on the City’s local Register or are eligible for the CRHR and NRHP. In addition, if discretionary (Planning) permits are required (including, but not limited to, a Historic Preservation Permit), CEQA may limit the applicants’ ability to modify historic structures as discussed later in this report. Tables 1 and 2 summarize the difference in process for different projects, depending on their historic status.

Table 1: Process Difference Based on Historic Status, Single-Family Homes

Scope of Improvement	On Local Register <u>OR</u> eligible for CRHR/NRHP <u>OR</u> Historically Significant in Downtown Precise Plan Area	Not Historically Significant <u>OR</u> Only Eligible for Local Register (Off Register) in Standard Zoning Districts
Exempt alterations (such as interior remodels)	Building Permit Only	Building Permit Only
Minor exterior alterations (such as a small rear addition or change of windows consistent with style)	<ul style="list-style-type: none"> • Study to verify that alterations do not impact integrity. • Historic Preservation Permit, City Council review (if CRHR or NRHP), and/or Zoning Administrator review (if on the Register). 	Building Permit Only

Scope of Improvement	On Local Register <u>OR</u> eligible for CRHR/NRHP <u>OR</u> Historically Significant in Downtown Precise Plan Area	Not Historically Significant <u>OR</u> Only Eligible for Local Register (Off Register) in Standard Zoning Districts
	<ul style="list-style-type: none"> • CEQA: Likely exempt but may require Initial Study and Mitigated Negative Declaration. 	
Major alterations (such as second story addition or demolition)	<ul style="list-style-type: none"> • Study to determine impacts to integrity and possible mitigations. • Historic Preservation Permit, City Council review. • CEQA: Initial Study and Mitigated Negative Declaration (if impact to building as a historic resource can be mitigated) or Environmental Impact Report (if there is a fair argument it cannot be mitigated). If the impact cannot be mitigated to less than significant, Council must adopt a Statement of Overriding Considerations to approve the project despite the significant unavoidable impact. 	Building Permit Only

**Table 2: Process Difference Based on Historic Status,
 Commercial/Industrial/Multi-Family Residential**

Scope of Improvement	Eligible for NRHP, CRHR, or Local Register, On or Off Register	Not Historically Significant
Exempt alterations (such as interior remodels)	Building Permit Only	Building Permit Only
Minor exterior alterations (such as a small, rear addition, or change of windows consistent with style)	<ul style="list-style-type: none"> • Study to verify that alterations do not impact integrity. • Historic Preservation Permit, City Council review (if CRHR or NRHP), and/or Zoning Administrator review (if local). • CEQA: Likely exempt, but may require Initial Study and Mitigated Negative Declaration. 	<ul style="list-style-type: none"> • Development Review Permit, staff, or Zoning Administrator review (depending on scale of addition). • CEQA: Likely exempt.
Major alterations (such as large additions or demolition)	<ul style="list-style-type: none"> • Study to determine impacts to integrity and possible mitigations. • Historic Preservation Permit, City Council review. • CEQA: Initial Study and Mitigated Negative Declaration (if impact to building as a historic resource can be mitigated) or Environmental Impact Report (if there is a fair argument it cannot be mitigated). If the impact cannot be mitigated to less than significant, Council must adopt a Statement of Overriding Considerations to approve the project despite the significant unavoidable impact. 	<ul style="list-style-type: none"> • Development Review Permit, staff or Zoning Administrator review (depending on scale of addition). • CEQA: May be exempt or subject to other streamlining.

California Environmental Quality Act

In many ways, CEQA acts as an additional preservation measure for properties, **whether they are OR are not subject to the City's Historic Preservation Ordinance**. CEQA is a State law that the City must implement, so the City has little control over how it affects historic properties.

When a development application is subject to City discretion (typically a Planning permit), CEQA requires an assessment of affected structures to see if they meet historic criteria. If they do, and the project may significantly impact those structures (for example, demolition), the City must prepare an Environmental Impact Report (EIR), and if the EIR analysis shows the project's impact on the historic structures is significant after all feasible mitigation is applied, the City Council may still approve the project but must adopt a Statement of Overriding Considerations for the project to do so. Projects that would be subject to CEQA currently include:

- All projects on commercial, industrial, multi-family, and mixed-use sites;
- Single-family and duplexes in the Downtown Precise Plan; and
- Properties requiring a Historic Review Permit (on the Register or eligible for the NRHP or CRHR).

Past Surveys

Since 2005, additional properties have been identified as potentially historic through other mechanisms as noted below. At this time, many of these properties are only "potentially historic" since most of the studies that identified them have not yet been finalized. Properties that would be eligible for listing on the CRHR and NRHP would require both a Historic Preservation Permit and CEQA review.

While some property owners are aware that their properties have historic significance, other property owners are not aware since the earlier studies were never completed. Additionally, new property owners would not have this information since the properties are not formally on the Register.

- Several properties have been identified through a historic analysis due to the CEQA process described above.
- A Council-directed comprehensive Citywide Historic Properties Survey was conducted in 2008. The survey identifies properties that may be eligible for the CRHR and NRHP. However, it was never finalized since the City shifted to other priorities.

- The City Council directed staff to conduct a downtown survey in 2020. The purpose of the survey was to determine if a portion of downtown qualified for CRHR or NRHP as a historic district. While the survey found that no part of downtown qualified, previously unidentified historic resources were identified as potentially historic. This survey was also never completed.

Carrying out the survey scope options below, under the section entitled “Scope of Intensive Survey,” especially Scope A, would consolidate and resolve these previous surveys. It would also apply a consistent and updated approach based on the outreach and Council direction.

City Council Work Plan

Updating the Historic Preservation Ordinance and Register was included in the previous work plan and continued to the Fiscal Year 2023-25 Work Plan. The Council 2023-25 Work Plan includes “Review and Update the Historic Preservation Ordinance” under the “Livability and Quality of Life” category as Priority B (High Priority).

Prior Meetings

April 12, 2022 City Council Meeting

At the April 12, 2022 City Council meeting (Attachment 5—[April 12, 2022 Council Report](#)), the City Council reviewed and approved the project scope of work and consultant contract with Page and Turnbull to update the Zoning Ordinance standards and procedures for the designation and preservation of historic resources (Mountain View City Code, Section 36.54.45 through Section 36.54.97) and Mountain View Register list of historic resources. The City Council also directed staff to review up to eight buildings in downtown that can be nominated to the National Register and whether Area H can be considered a historic district. Staff has identified three properties that may be eligible, as described later in this memorandum.

October 30, 2023 Community Workshop

Staff held a hybrid community workshop on October 30, 2023. There were 11 participants in-person at the Library, and approximately 30 participants were attending the meeting online via Zoom.

Community members had a lot of questions about the process and requirements. There were some concerns raised by property owners about excessive property owner obligations and requests for clarity about who is affected and what they are allowed to do. More detail about the public input from the community meeting is provided below within each topic area. A comprehensive summary of the workshop is included as Attachment 4.

DISCUSSION

Current Issues with the Ordinance and Register

Development Review Process

The current Ordinance and Register do not provide clarity about the level of review or risks of denial that property owners might face if they decide to modify or demolish buildings. The following hypothetical scenario clarifies these issues with that lack of clarity.

Scenario: Demolition of Historic Postwar Commercial Building

This scenario describes what an applicant experiences under existing conditions if they want to demolish a postwar commercial building for a new development, but they (and in many cases for the reasons discussed above, the City) do not know that the building is eligible for listing on the Register (either through CEQA or because it has been determined to be eligible for the State or National Register but was removed from the Register by the owner).

Property owner expectation

Similar projects have recently been approved by the City, and they have been subject to a design review process and minimal environmental review (such as the CEQA infill exemption or a checklist for consistency with a program EIR). The property owner hires a team, submits an application, and begins review with Planning staff.



Project review

After conducting a preliminary project review to determine the project scope, the environmental review process is started, and an analysis is conducted to determine whether the building is of historic significance (as required under CEQA). The study finds that the structure has been determined to have historic significance.



Applicant options

The applicant can try to get approval for the demolition, which is highly uncertain, and may have added costs.	The applicant can try to modify their project to preserve the resource, which could have significant costs in terms of additional revisions and/or reduced project scope.	The applicant can withdraw the application, having lost the sunk costs into the project, and possible loss of value to the property (if recently acquired).
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If it had been known ahead of time that the site is eligible for historic designation, the applicant would have very different options:

- They could have sought inclusion in the Register and incentives for preservation.
- They could have proactively prepared an application that preserves the project while adding to the site.
- They could have developed a redevelopment application that more explicitly addresses an overriding community need, which may persuade decisionmakers to approve the project.

In short, significant time and money would have been saved with advanced knowledge, and the opportunity for incentives increase the likelihood that the property owner will actively endorse the preservation of the historic resource.

Other scenarios could be developed. In fact, the following are general cases where a property owner may not be aware of the requirements that might be associated with modifications to their property:

- Citywide commercial, industrial, or multi-family properties that are not on the Register or opted off the Register but meet historic criteria at any level.
- Single-family homes in the Downtown Precise Plan that are not on the Register or opted off the Register but meet historic criteria at any level.
- Citywide single-family homes that are not on the Register or opted off the Register but meet historic criteria for NRHP or CRHR eligibility.

In each of these scenarios, property owners have to navigate new requirements after submitting an application, potential controversy and the necessity to either make substantial modifications to a project or abandon it. If they withdraw the application, they have wasted significant money on the process. Conversely, project approval may draw criticism from advocates for historic preservation. Property owners might have acquired properties with an inaccurate understanding of their development potential, making these circumstances less than ideal.

In contrast, a clear and streamlined approach, where the Register has a complete list of historic properties has the following benefits:

- Property owners and future buyers are aware of the historic status of a property;
- Property owners are proactively encouraged to preserve their properties to take advantage of incentives;
- Property owners are aware of the requirements and can consult with staff prior to making plans for additions or changes to the structures;
- As a result, more historic properties may be preserved;
- A more streamlined process which has the added advantage of less controversy and reduced workload and cost for the applicant team and the City; and
- A clear understanding of expectations on the part of all parties, including the property owner(s), residents, and advocates.

Project Goals

Based on the issues identified above and previous Council direction, staff is proposing the following project goals for review and direction:

1. **Reflect the community's preservation priorities.** Updating the Historic Register will create a comprehensive list of historic resources that the community wishes to preserve.
2. **Provide clarity about historic status and requirements.** Create a comprehensive list of historic properties where property owners are aware of the historic status of the property and process requirements before they develop plans to modify the properties. Additionally, the community will be aware of the historic properties and requirements, which will help avoid confusion.

3. **Streamline the process of determination and review.** A Citywide survey will reduce the need for individual applicants to conduct their own surveys and additional City peer review.
4. **Provide incentives that support preservation, maintenance, and integrity improvement.** If property owners do not have adequate incentives, they may let historic properties degrade over time. Listing all historic properties on the Register will have the advantage of not only providing clarity but also making properties eligible for the incentives.
5. **Create local district criteria for a Downtown Preservation District.** Since downtown does not meet criteria for the CRHR or the NRHP, local district criteria would have to be created in order to create a Downtown Preservation District. This is discussed in greater detail later in this memorandum.

During the community workshop on October 30, 2023, community members and property owners were generally supportive of the project goals, particularly with creating transparency and streamlining the process.

Question 1: What feedback does Council have on the project goals?

Project Deliverables and Outreach

Project Deliverables

1. **Historic Context Statement (HCS)**—This document presents an overview of the City’s history; identifies important periods, events, themes, and patterns of development; and identifies integrity and significant characteristics for determining eligibility for local, State, and National Register listing. It does not identify any requirements or eligible properties.
2. **Ordinance**—This is included in the Zoning Ordinance (Chapter 36 of the City Code). It sets criteria for local resources, prescribes procedures for adding and removing properties listed on the Historic Register, and establishes incentives (fees, flexibility from standards, Mills Act contracts).
3. **Historic Survey**—Our consultants will conduct a review of eligible and potentially eligible properties to identify those that meet the criteria and characteristics established in the HCS and Ordinance and based on the scope of work as directed by Council. Buildings and

districts could be identified for national, State, or local eligibility. This process involves two steps:

- a. A reconnaissance survey, involving a windshield survey to look at all properties that are 45 years or older,² and photographic documentation of potential historic resources selected for further study.
 - b. An intensive survey, involving detailed review of select properties to determine final eligibility.
4. **Historic Marker Program**—Marker or plaque programs help recognize local historic resources, increase awareness of local history, and showcase the importance of certain buildings and features in the community, which also provides education for future generations. Markers or plaques for local historic resources typically contain a variety of important information about the historic resource such as the historic name, construction date, designation date, and sometimes a brief description of the property. Most markers or plaques are installed on a building’s facade or as a standalone pedestal or monument on the historic property. Having a program and the markers or plaques on properties allows community members to identify and take pride in Mountain View’s history and culture.

Completed

- Workshops, meetings with key stakeholders, Farmers’ Market, and other outreach.
- Administrative draft HCS.
- The reconnaissance survey.

² Typically, resources of 50 years and older need to be evaluated, per 36 Code of Federal Regulations 60.4, which pertains to the National Register. On the other hand, the California Register criteria (CCR § 4852) state that in order for a resource to achieve significance within the past 50 years, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. The language provided in CCR § 4852 is much broader than the National Register eligibility requirement for exceptional significance. Specifically, the California Register statute allows CEQA Lead Agencies a fair amount of flexibility in justifying that a resource is significant, even if that resource is less than 50 years old. This flexibility also puts greater responsibility on Lead Agencies to evaluate resources based on substantial evidence rather than relying on the age of the resource alone. Additionally, many local preservation ordinances do not include an age threshold, and a property listed on a local register is presumed to be a historical resource for the purposes of CEQA.

Outreach Plan

The following are key elements of the project's outreach plan, including both completed and upcoming activities.

- **Targeted Outreach to Affected Property Owners and Tenants:** Owners and occupants of properties that are the subject of intensive survey and potential inclusion in the Register will be contacted through multiple venues, including mail and in person. The project team will hold office hours to answer questions about the process and to walk people through the obligations and incentives. Additional outreach will be done, as needed. This process will start after Council provides direction on the scope of the intensive survey (next question).
- **Citywide Stakeholder Engagement:** Engagement will be inclusive, involving various stakeholder groups, such as neighborhood associations, the business community, property owners, non-English-speaking groups, the Historical Association, and other organizations actively engaged in the City. The project team has already done significant outreach to Citywide groups but will continue to do more as the project deliverables are further developed.
- **Regular Updates with City Bodies:** Continuous communication and engagement will be maintained with key bodies, including the Downtown Committee, Environmental Planning Commission (EPC), and City Council. This will ensure that the project remains aligned with community goals and is informed by the expertise of these bodies.
- **Citywide Public Notices:** Per past practice, a Citywide public notice was sent prior to the first workshop on September 6, 2022, which included instructions for ongoing electronic noticing. Additional targeted and Citywide noticing will be provided at key points throughout the process.
- **Community Workshops and Forums:** To facilitate meaningful dialogue, community workshops and forums will be organized to provide residents and stakeholders with opportunities to express their ideas, concerns, and vision. Two workshops have been held focusing on sites and events important to the City's history and issues and concerns property owners may have about being identified as a historic resource.
- **Project Website:** In addition to in-person and virtual meetings, the City has also established a [project webpage](#) to provide regular progress updates and information related to upcoming meetings and events related to the project.

- **Other Efforts as Needed:** Other outreach could include information booths at popular locations and events, opportunities for staff to answer questions and hear concerns, informational materials available in multiple languages, at multiple locations, and with multiple media. The project team has held a Farmers' Market booth and will continue to identify additional opportunities for special events as the project progresses.

Question 2: What feedback does Council have on the project deliverables, including the outreach plan?

Scope of Intensive Survey

Conducting a Citywide intensive survey is a highly sensitive process. Many property owners, tenants, and, potentially, neighborhoods could be affected. Many cities choose not to conduct a citywide survey and choose to focus on specific areas or specific resources that the community prioritizes for protection.

If the City Council directs staff to include properties in the intensive survey, those properties maybe subject to future regulatory requirements, if the survey documents they are historic resources, whether or not they are included on the Register. For properties subject to CEQA (because modification or redevelopment would require a discretionary permit), this risk of future requirements already exists because historic status (and regulatory requirements that result) would be identified as part of CEQA review.

However, for single-family homes and duplexes outside the Downtown Precise Plan, the same risk does not currently exist because demolition or modification of those structures does not require a discretionary planning permit (only a building permit, which is ministerial), unless the structure has already been identified as eligible for the State or National Register. This means that **Council may be able to minimize impacts to single-family and duplex property owners who are not now subject to historic permit and/or CEQA requirements by not conducting an intensive survey of their property.** In addition, by not conducting the intensive survey, Council may limit their exposure to a more difficult decision later: whether or not to require historic review of a single-family home when the property owner objects. In effect, once the City conducts a survey and properties are identified as historically significant, CEQA requires the City to evaluate the property as such, even if the City Council ultimately decides not to place the

properties on the local Register due to property owner concerns.³ Unless there is significant interest in a Citywide study of single-family homes, this step should be taken very carefully.

Table 1 shows the options for the scope of the intensive survey. The project team will use this direction to determine which sites from the reconnaissance survey will be subject to intensive survey. Staff is seeking Council direction individually on the options. Council can select one or more of the options as noted below:

- Scope A;
- Scope B;
- Scope C1; and/or
- Scope C2.

The number of properties in the table are based on the “short list” of properties for further review that have been identified in the reconnaissance survey. After Council direction on the scope, staff will reach out to the owners of properties to be included in the scope of intensive survey.

³ As part of the CEQA process, Lead Agencies are tasked with identifying if projects will result in impacts to historical resources. The CEQA Guidelines rely largely, but not entirely, on the CRHR eligibility criteria. In short, if a Lead Agency determines a resource is listed in, or eligible for listing in, the CRHR (§ 15064.5.a.1), is included in a local Register of Historical Resources, has been identified as significant in an historical resources survey (§ 15064.5.a.2), or the Lead Agency determines the resource is historically based on substantial evidence (§ 15064.5.a.4), the environmental document should evaluate, and, if necessary, mitigate any significant impacts to the resource.

A resource should be considered a historical resource if it has previously been identified as significant in a historical resources survey. Under certain circumstances (described under PRC § 5024.1(g)), it may be necessary to reevaluate the resource to ensure it continues to meet the criteria for listing. However, when dealing with a resource that has been identified as historical as part of a survey, a Lead Agency should treat the resource as historical unless there is a preponderance of evidence indicating that the resource is no longer eligible for listing.

Table 3: Scope of Intensive Survey Options

SCOPE OPTIONS	WHETHER PROJECT GOALS ARE MET ⁴
<p>A. Identify and analyze properties that are subject to development review and CEQA:</p> <p>(i) Properties with commercial, industrial, multi-family, and mixed-use zoning.</p> <p>(ii) Single-family homes and duplexes that are required to submit a planning (discretionary) permit in the Downtown Precise Plan.</p> <p>(iii) Standard zoning single-family homes and duplexes, NRHP and CRHR eligible:</p> <p style="padding-left: 40px;">(a) Previously “opted off” local Register; (b) Previous site-specific analysis through project applications; and (c) Previously identified through the Council-directed study in 2008.</p> <p>If Council does not select this option, these properties would not be studied, and they would be subject to review when they come in for entitlements or permits.</p>	<p>Staff Recommendation—Study Scope A:</p> <ul style="list-style-type: none"> • <u>Supports Goal 1 (Reflect the community’s preservation priorities)</u>: Based on the community input received during outreach, there is broad support for studying these properties. • <u>Strongly supports Goal 2 (Provide clarity about historic status and requirements)</u>: Current requirements for these projects lack clarity, and this study would establish clear requirements. • <u>Strongly supports Goal 3 (Streamline the process of determination and review)</u>: Current processes are cumbersome for these projects, and the study would streamline those processes. • <u>Strongly supports Goal 4 (Provide incentives that support preservation, maintenance, and integrity improvement)</u>: These sites would not currently be able to take advantage of incentives, but the study would allow them to.
<p>B. Analyze previously identified historic properties that are at risk of being demolished:</p> <p>Previously “opted-off” register single-family homes that are only locally eligible, based on currently known information.</p> <p>Per the Ordinance, these properties do not require a historic permit. If Council does not select this option, these properties would not be included in the Register and would remain unprotected.</p>	<p>Staff does not have a recommendation on Scope B:</p> <ul style="list-style-type: none"> • <u>Does not clearly support Goal 1 (Reflect the community’s preservation priorities)</u>: There is no clear community input about whether these resources should be subject to preservation requirements. • <u>Supports Goal 2 (Provide clarity about historic status and requirements)</u>: Some members of the community may assume these properties are historically significant and covered by the Register since they were previously identified for the Register. However, per the City’s Ordinance, these properties do not require a historic permit or CEQA review since

⁴ Goal 5 is not relevant to this question.

SCOPE OPTIONS	WHETHER PROJECT GOALS ARE MET ⁴
	<p>they only have to apply for a building permit to modify structures.</p> <ul style="list-style-type: none"> • <u>Does not support Goal 3 (Streamline the process of determination and review)</u>: Picking this option would apply historic preservation requirements, which would lengthen the review process. • <u>Supports Goal 4 (Provide incentives that support preservation, maintenance, and integrity improvement)</u>: These properties are not eligible to take advantage of the incentives since they have been removed from the Register. Adding these properties to the Register would make them eligible for incentives.
<p>To address properties that are not yet identified and not subject to a discretionary review process, there are two options:</p> <p>C1. Develop a process for voluntary self-nomination of properties and districts.</p> <p>C2. Identify and analyze all single-family and duplexes Citywide, including potential districts.</p> <p>If Council selects neither of these options, these properties would not be included in the study, and there would not be a voluntary option for property owners and neighborhoods to self-nominate.</p>	<p><i>Staff Recommendation: Scope C1 only</i></p> <ul style="list-style-type: none"> • <u>C1 strongly supports Goal 1, but C2 does not (Reflect the community's preservation priorities)</u>: With C1, individual property owners and neighborhoods would be able to implement their own preservation priorities. During outreach, community members did not provide clear support for proactively studying all single-family homes or districts. • <u>C1 and C2 are neutral on Goal 2 (Provide clarity about historic status and requirements)</u>: Current requirements for these properties are clear, in that no requirements exist. Council direction and the subsequent survey (if desired) would provide clear requirements that would apply related to historic preservation. • <u>C1 and C2 do not support Goal 3 (Streamline the process of determination and review)</u>: There are no current requirements for these properties, and both options could set new preservation requirements, which would lengthen the review process. • <u>C1 and C2 support Goal 4 (Provide incentives that support preservation, maintenance, and integrity improvement)</u>: The study and inclusion in the

SCOPE OPTIONS	WHETHER PROJECT GOALS ARE MET ⁴
	Register would allow properties to take advantage of incentives to support preservation.

Benchmarks

Other cities conduct studies of properties in various ways, depending on the needs and goals of that city. Table 4 summarizes various approaches that other cities use to study and identify historic resources.

Table 4: Ways Other Cities Study and Identify Historic Resources

APPROACH	CITIES	COMMENTS
Comprehensive study of all properties in jurisdiction (Similar to a combination of Scopes A, B and C2)	<p>The following cities in California conducted citywide surveys during the last 20 years:</p> <ul style="list-style-type: none"> • Los Angeles County: Los Angeles (City) (SurveyLA), Avalon, Beverly Hills, Bradbury, Burbank, Calabasas, South Pasadena, West Covina, San Marino, San Gabriel, Temple City, Santa Monica, and Pasadena (ongoing 2023); • Orange County: Huntington Beach, Tustin, and Dana Point; • Palm Springs; • Davis; • Morgan Hill; • Paso Robles; • San Francisco (ongoing 2023); • Ventura (ongoing 2023); • Coronado (ongoing 2023); and <p>Other cities have older citywide surveys from the 1970s to 1990s, such as Oakland, Campbell, and Costa Mesa.</p>	<p>A citywide survey will require extensive community input and education about the pros and cons of historic properties.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Adding these properties to the Historic Register will create a clearly defined and streamlined process and allow property owners who are not on the Historic Register to receive incentives through the Ordinance. • Early identification of historic districts, where properties require discretionary permits and CEQA help to provide early information for applicants as they prepare project plans and help to streamline the review process. <p>Cons:</p> <p>For single-family properties that did not require discretionary review and CEQA review, the review process becomes longer and more expensive.</p>

APPROACH	CITIES	COMMENTS
<p>District-based study (Similar to Scope C2, but focused on a specific district or neighborhood, similar to the proposed approach for downtown in the next section).</p>	<p>Many cities’ surveys are based on neighborhoods or planning areas, such as Napa, San Jose, San Diego, Riverside, Fresno, and Richmond. These surveys are typically conducted during rezoning through the CEQA process.</p> <p>Some cities survey existing older historic districts to confirm boundaries and contributing/noncontributing properties. Examples include Sacramento and Whittier.</p>	<p>Similar to the above, though it requires less funding, less broad community input and does not impact the entire city at once.</p>
<p>Voluntary, self-nomination of properties and districts (Scope C1).</p>	<p>Most cities include pathways for individual property owners to nominate their properties to a local Register, subject to review by staff or the city council.</p> <p>Sometimes, district nominations initiated based on neighborhood interest are organized and paid for by a community group. Sometimes these district nominations are to the NRHP or CRHR, rather than the local Register.</p> <p>When a community group nominates a district to the NRHP, 50% of the owners need to agree for the district to be included in the NRHP. However, the NRHP determines eligibility even without owner agreement, which automatically includes the district in the CRHR and subjects the district to CEQA.</p>	<p>Pros: The voluntary self-nomination option encourages community collaboration.</p>

Public Input

Community members expressed the following concerns when presented with the various scope options:

- Property values could be affected by being designated as a historic resource.
- Single-family owners' rights to make additions and modifications to their houses would be affected.
- Opted-off properties from the Register are still on a separate list which creates confusion regarding the process. Providing clarity is important.

Some community members offered the following suggestions:

- Educate property owners about the advantages of being included on the Register.
- Provide flexibility to encourage property owners by providing more incentives and benefits for historic properties.
- Create a grant program to help the historic resources owners with the costs of maintaining their property.
- Would like a voluntary approach for property owners to nominate their properties or create a district.

Question 3: Which of the following scopes of intensive survey does Council wish to conduct? What direction or modifications does Council wish to provide on any of the scope options?

- Scope A? (yes or no/modifications)—Staff Recommendation**
- Scope B? (yes or no/modifications)**
- Scope C1? (yes or no/modifications)**
- Scope C2? (yes or no/modifications)**

Downtown Approach

National Register Nominations in Area H

At the City Council meeting on April 12, 2022, Council directed staff to review up to eight buildings in downtown that can be nominated to the NRHP. This is a separate action by the City. Typically, cities only identify whether a property is eligible for the NRHP, but, in this case, staff is also proactively preparing the nomination forms and submitting them to the National Parks Service for review. Properties on the NRHP are automatically included on the CRHR and subject to historic preservation permit requirements and CEQA under the local ordinance.

So far, the following three buildings have been identified as eligible for NRHP nomination:

1. 191 Castro Street (Eureka);
2. 194 Castro Street (Agave); and
3. 301 Castro Street (Bloomsaving).

Other buildings, such as the Ames Building, the Weilheimer Store (containing Oren's Hummus), and the Farmers and Merchants Bank (containing Red Rock Coffee), have had significant character changes over time, and they were not deemed eligible for NRHP listing. The project still has a budget for additional nominations, and other properties may qualify. If Council directs staff to study additional properties per Question 3, staff can bring back additional options for National Register nomination.

Downtown Preservation District

Scope A would include an assessment of all buildings in Area H since they are all subject to discretionary permits and CEQA. However, many buildings in Area H may not be individually eligible for CRHR, NRHP, or local Register. However, Council has expressed interest in special preservation measures for Area H. In 2020, a study found that the area would not qualify as a historic district in the NRHP or CRHR.

One option is to develop local criteria for a Downtown Preservation District. Criteria could include existing physical characteristics, age, the building's role in downtown, or other criteria that contribute to the historic feel of the area. These criteria would be included either in the Ordinance or the Downtown Precise Plan. Buildings that meet the criteria would be "contributors" to the district. The project team would identify specific standards, procedures, and incentives for facade modifications of those properties. More research and analysis would

be necessary to determine if contributors would be subject to CEQA or exempted from superseding State legislation (such as SB 35).

The Downtown Preservation District could help achieve a number of goals:

- Allow the City to craft local standards and incentives to restore and improve the integrity and character of old buildings that are not otherwise eligible for a Register.
- Provide a mechanism to preserve structures that the City may wish to preserve but do not meet integrity or significance criteria of other lists.
- Allow an opportunity to set the correct level of review, oversight, and findings for projects specific to this area.

Benchmarks

Sunnyvale has adopted Murphy Station Heritage Landmark District Design Guidelines. These guidelines provide building-by-building analysis and recommendations for improvements that improve the character and historic integrity of buildings on the 100 block of Murphy Avenue.

Public Comment Regarding the Downtown Approach

In general, community members were supportive of the proposed downtown approach. It was suggested to balance preservation with property owner rights (allow for restoration, expansion in the back, and modernization while preserving the historic nature).

Some concerns were received regarding the higher costs of maintenance of these historic buildings that might create hardship for businesses.

Question 4: Would Council like staff to move forward on a Downtown Preservation District for Area H?

RECOMMENDATION

Provide direction on:

Question 1: What feedback does Council have on the project goals?

Question 2: What feedback does Council have on the project deliverables, including the outreach plan?

Question 3: Which of the following scopes of intensive survey does Council wish to conduct? What direction or modifications does Council wish to provide on any of the scope options?

- a. **Scope A? (yes or no/modifications)—Staff Recommendation**
- b. **Scope B? (yes or no/modifications)**
- c. **Scope C1? (yes or no/modifications)**
- d. **Scope C2? (yes or no/modifications)**

Question 4: Would Council like staff to move forward on a Downtown Preservation District for Area H?

NEXT STEPS

Staff will continue to work on this project through the next steps:

- Councilmember meetings with Historic consultant.
- Q1-Q2 2024—Outreach to owners of properties to be included in the scope of work and additional stakeholder and community meetings.
- Q1 2024—Draft Historic Context Survey available for public comment and prepare paperwork for National Register Nominations in Downtown Area H.
- Q1-Q2 2024—EPC and City Council Study Sessions—Review draft historic context survey.
- Q2-Q4 2024—Conduct surveys.
- Q1/Q2 2025—Study Sessions—To review:
 - Draft register.
 - Elements of draft ordinance;
 - Elements of Downtown Preservation District and regulations.

- Q3-Q4 2025—EPC and City Council Study Sessions—To review:
 - Draft ordinance.
 - Downtown Preservation District regulations.
- Q1 2026—EPC and City Council Public Hearings—Adoption of ordinance.
- Q2 2026—Adoption of draft Register and Downtown Preservation District and regulations.

PUBLIC NOTICING

The Council agenda is advertised on Channel 26, and the agenda and this Study Session memorandum appear on the City’s website. Community members were notified about this meeting at the recent community workshop on October 30. All interested stakeholders were notified of this meeting, including Neighborhood Associations, Livable Mountain View, and Historical Association. Meeting information was also posted on the City’s website: mountainview.gov/our-city/departments/community-development/planning/development-projects/historic-preservation-and-register-update.

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- Attachments:
1. Historic Preservation Ordinance
 2. Mountain View Register of Historic Resources
 3. Local, State and National Evaluation Criteria
 4. Community Outreach Summary
 5. April 12, 2022 Council Report