



DATE: April 12, 2022

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Historic Preservation Ordinance and Historic Register Update: Scope of Work and Consultant Contract**

RECOMMENDATION

1. Approve a midyear Capital Improvement Program project entitled "Historic Preservation Ordinance and Historic Register Update," and transfer and appropriate \$430,000 from the Land Use Document Reserve in the Development Services Fund to the project. (Five votes required)
2. Approve the proposed scope of work for the City-initiated Historic Preservation Ordinance and Historic Register Update project.
3. Authorize the City Manager to execute a professional service contract with Page & Turnbull for the Historic Preservation Ordinance and Historic Register Update in an amount not to exceed \$355,385.

BACKGROUND

City Council Major Goals Work Plan

In 2018, Senate Bill 50 (SB 50) was proposed but ultimately not enacted. This bill would have provided little discretion to local agency development approval of projects that strictly complied with objective standards. SB 50 would have allowed protection of some local historic resources identified prior to 2010 as well as all State and National Register resources. To enable the City to continue to preserve historic resources, the Council included in its Fiscal Year 2019-20 Major Goals a work item to update the City's Historic Preservation Ordinance, including updates to the City's Historic Register and incentives for property owners to improve and maintain such resources. Council further directed staff to work on the Downtown Precise Plan (Phase 1), which included 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.

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 Federal level, overall, there are relatively few qualifying buildings, and the downtown, as a whole, would not meet the criteria to create a downtown historic district at the State or Federal level. At the Study Session, Council expressed interest in a fresh look Citywide at the Historic Register, reviewing the downtown to see if portions could qualify as a downtown historic district at local, State, or Federal levels, and updates to the City's Historic Preservation Ordinance.

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

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

- 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 individual projects.
- 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 consistent and transparent set of procedures for all properties. (Staff would like to note that after this update, it would be necessary to update the Register from time to time since new resources can become historically significant as time passes).
- Since 2017, State laws have been proposed, and some enacted, that require some development approvals to be ministerial, based on objective standards (i.e., SB 35) and without CEQA review. While those State laws provide some protection for historic resources, the properties would need to be on a Register 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 is not currently included in the Ordinance.

October 12, 2021 City Council Meeting

At the October 12, 2021 City Council meeting (Attachment 1—October 12, 2021 Council Report), the City Council reviewed a framework for updating 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), in preparation for a Request for Proposals (RFP).

The City Council directed staff to issue the RFP. In addition, several Councilmembers acknowledged the engagement of community groups on the topic of historic preservation and requested a comprehensive, Citywide outreach process. They also expressed interest in including consultants with a track record of preservation in the RFP process.

OUTREACH

Staff reached out to several key interest groups, including Mountain View Historical Association and Livable Mountain View, regarding this project. Key points raised during these discussions included the following:

- Identify the City's working-class roots.
- Acknowledge that there are historic buildings that may have been modified or key sites that no longer have buildings.
- Provide clarity on property-owner rights and incentives.
- Provide objective analysis of historic resources.
- Identify locations with more than a plaque—recreate the historic feel of the location.
- The ordinance update should address potential loopholes that might allow actions contrary to the City's preservation and land use goals.
- Preservation is important because you cannot recreate all the benefits that historic buildings provide.
- Provide safeguards to prevent State preemption (this is discussed in greater detail in the Analysis section of the report).

ANALYSIS

Staff released an RFP on November 1, 2021. In addition to the firms that had previously requested RFPs, staff reached out to Architecture + History and JRP Historical Consulting, two firms recommended by Livable Mountain View, and specifically inquired about their availability to work on the project. Both firms stated that the project scope is not within their firms' capacity at this time.

Staff received proposals from five consultant firms and interviewed three. Based on proposals, interviews, and references, staff is recommending Page & Turnbull for this project. Page & Turnbull has expertise and specialization on Historic Preservation projects and bringing sites forward to the State Commission for Historic nomination. They also have a strong understanding of the region, serving as on-call Historic consultants for the City of Palo Alto Planning Department. In addition, they have significant experience conducting policy analysis, developing context statements, conducting surveys, and developing ordinances.

Proposed Scope of Work

The proposed Scope of Work is included in this report as Attachment 2 and is summarized below.

Phase 1. Outreach (One to Three Months):

The scope includes an intensive public outreach plan, including stakeholder meetings, a Downtown Committee meeting, and two community workshops. The first community workshop will be held early in the process to inform the community about the project, facilitate a discussion about the significant historical themes of the City, and to gather information and input. The second workshop will be held to present the Public Draft Historic Context Statement (HCS) and Ordinance framework and receive feedback from members of the community.

Phase 2. Historic Context Statement (Eight Months):

The project team will develop a Historic Context Statement to guide the assessment of potential historic resources throughout Mountain View and create a framework for future preservation efforts in the City. This task includes a review of existing documentation, historic research, community and stakeholder input, and a windshield survey.

The document will focus closely on the history of the built environment in Mountain View and will identify important themes, patterns, trends, and property types that shaped the City's development. The historic context will summarize existing documentation, include a narrative history of Mountain View's built environment and cultural landscapes, discuss significant historic themes, identify property types, establish eligibility standards and integrity thresholds for

property types, and establish a framework and criteria for evaluating the significance and integrity of individual properties.

Phase 3. Updated Historic Preservation Ordinance (Seven Months):

The project team will update the criteria and process for designating local historic districts and implementation of historic preservation incentives and may include various clarifications and updates to existing language and processes. Phases 2 and 3 will happen concurrently and are expected to be completed by the beginning of 2023.

Phase 4. Citywide Survey and Update to the Historic Register (Nine to 10 Months):

The project team will utilize the GIS database and mobile survey application to collect customized, geolocated cloud-based data during the survey. A two-tiered methodology will be conducted for the Citywide historic resources survey and Historic Register update. A reconnaissance-level survey of all (approximately 10,000) age-eligible properties (at least 45 years old) will be undertaken to prepare a list and maps of potential historic resources and districts. The project team will conduct an intensive-level survey of previously identified resources, Downtown Area H, and all properties that appear likely to be eligible as individual resources or districts during the reconnaissance-level survey.

This intensive-level survey will identify properties that may be added to or removed from the Local Historic Register, potential historic districts, and properties that are eligible for the California Register and/or National Register. The City has previously identified 42 State- and National Register-eligible properties, and the project team anticipates identifying more resources during the proposed new survey.

The survey results and methodology will be synthesized in a written Survey Report. This document will identify project objectives and the properties surveyed and will outline the research design. The report will conclude with the findings of reconnaissance and intensive surveys in a summary table, including recommendations on updates to the Historic Register. The Survey Report will include an Appendix with the survey forms prepared for eligible historic resources and districts.

Phase 5. Study Sessions

The project team will organize and facilitate two Study Sessions with the Environmental Planning Commission (EPC) and City Council, for a total of four Study Sessions. The first Study Sessions will discuss the issues and opportunities that have been identified regarding the Ordinance. The second round of Study Sessions will review the Public Draft Historic Context Statement and Ordinance framework.

Phase 6. Final Adoption

The project will also include EPC and City Council public hearings for formal EPC recommendation and Council adoption of the Historic Context Statement, Historic Preservation Ordinance, and Local Historic Register.

Altogether, the phases are expected to take about two years and be completed by approximately June 2024.

Outside this Scope: State Nomination

One of the community groups, Livable Mountain View, raised concerns about State preemption over the City’s local historic register. Specifically, they pointed to SB 50, which, though not ultimately adopted, could have explicitly excluded Local-Register properties from protections afforded to State- and National-Register properties. It should be noted that other State laws that require ministerial review of certain housing projects meeting objective standards, such as SB 9 and SB 35, do not exclude properties on local registers from protection, treating them the same as the State and National Registers. Based on this concern, the community group recommended that the scope be included to nominate all eligible properties to the State Register as part of this project.

Nominating resources for the State and/or National Registers would entail additional documentation, staff time, and cost, which is not within the scope of work for this project. If the City Council is interested in adding this as a next phase for the Historic Register, staff recommends that Council consider doing so as part of their Fiscal Year 2023 to Fiscal Year 2025 Strategic Workplan.

FISCAL IMPACT

The costs of all tasks identified in this report are summarized below.

Scope of Work	\$297,500
Contingency (20%)	<u>58,000</u>
Total Contract (Rounded)	\$355,500
Legal Support, Noticing, Translation, Other Costs	48,000
City Administration	26,500
TOTAL CIP REQUESTED	<u>\$430,000</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.

ALTERNATIVES

1. Do not approved the recommended Scope of Work and Consultant, and direct staff to issue a new Request for Proposals.
2. Modify the Scope of Work and budget as appropriate and authorize a contract with Page & Turnbull.
3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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- Attachments:
1. [October 12, 2021 Council Report](#)
 2. Scope of Work