



## COUNCIL REPORT

DATE:	December 9, 2025
CATEGORY:	New Business
DEPT.:	Community Development
TITLE:	<b>Historic Preservation Ordinance and Historic Register Update</b>

### **RECOMMENDATION**

That the City Council confirm the identified approaches on the following:

1. The draft criteria and list of properties eligible for the Mountain View Register of Historic Resources;
2. The treatment of properties already listed in the Mountain View Register of Historic Resources that do not meet the draft criteria for eligibility;
3. Process updates related to nominations, listing, and delisting of historic resources; and
4. Updates to the development review process for historic resources.

### **BACKGROUND**

In 2004, the City adopted its first Historic Preservation Ordinance (“Historic Ordinance” or “Ordinance”) (see Attachment 1—Historic Preservation Ordinance, codified at City Code Section 36.54.45, *et seq.*) and created the Mountain View Register of Historic Resources (“MV Register”) (see Attachment 2—Mountain View Register). Together, these tools help preserve historically and culturally significant buildings as well as their character-defining features. The MV Register, which was adopted by Council resolution and may be amended from time to time, is the inventory of buildings, structures, objects, and sites designated by the City Council as historic resources. The Historic Ordinance sets designation criteria, the designation process for the MV Register, the process to remove sites from the MV Register, incentives and benefits for inclusion in the MV Register, permit requirements, and the development review process. The purpose is to preserve the historic integrity as well as the look and feel of historically important buildings and neighborhoods.

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

- The existing MV Register does not include a complete list of properties that would require a Historic Preservation Permit (HP Permit). As a result, some property owners are not aware of the requirements before they design and submit a project to the City. Updating the Ordinance and MV Register will provide greater clarity and disclosure to property owners.
- Listing in the MV Register can improve property owner understanding of the historic status of a property and its character-defining features, which can allow historic preservation best practices to be incorporated into project design earlier in the process and streamline permitting by avoiding the need for historic analysis and/or project revisions after an application has been submitted.
- An updated Ordinance that reflects the community's historic preservation goals can help protect historic structures as buildings across the City age and become age-eligible for consideration as historic resources (over 50 years old).
- Under the California Environmental Quality Act (CEQA), all buildings constructed over 50 years ago and that possess architectural or historical significance may be considered historic resources, and proposed alterations to these buildings may require some level of environmental review, regardless of whether they are included on a local register. CEQA may, therefore, require historic review even if the affected property is not on the local register. This project would update the Historic Ordinance and the MV Register to create a list of properties subject to historic review and a consistent set of procedures for them. It is important to note that even after this update, it will be necessary to update the MV Register periodically or analyze individual properties as new properties become age-eligible and may be identified as historically significant.
- Since 2017, a number of state laws have been adopted that require ministerial approval of specified development applications based only on objective standards (e.g., Senate Bill (SB) 35, codified at Government Code Section 65913.4) and without environmental review. Many of these state laws are not applicable to projects proposing to demolish historic structures listed on a national, state, or local historic register, and updating the MV Register will help ensure the preservation and protection of historically significant properties.
- Updates to the Ordinance will provide opportunities to establish a process and criteria for the designation of local historic districts and can include a more comprehensive list of incentives.

### **Existing Ordinance**

The Ordinance includes designation criteria for the MV Register which closely parallel the criteria for the California Register of Historic Resources (“California Register”) and the National Register of Historic Places (“National Register”). The criteria would establish eligibility for listing in the MV Register when a building, structure, site, or other improvement:

- 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 the listing and removal of properties on the MV Register;
- Permit requirements for properties on the MV Register and those that are not on the MV Register but are eligible for the California or National Registers; and
- Incentives and benefits for properties on the MV Register, including significant property tax reductions through a Mills Act contract.<sup>1</sup> Only properties on the MV Register are eligible for property tax reduction and other incentives in the Ordinance.

### **Existing MV Register**

In 2004, 93 properties were put on the inaugural MV Register following adoption of the Ordinance. In 2005 (within six months of MV Register creation), 56 of the properties, mostly residential properties, used the “opt off” clause in the Ordinance to remove themselves from the

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<sup>1</sup> The Mills Act (Gov. Code § 50280, *et seq.*) is a state law that provides an important economic incentive program for the restoration and preservation of qualified historic buildings by private property owners. Enacted in 1972, the Mills Act 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](https://ohp.parks.ca.gov/?page_id=21412).

MV Register. The removal process, which had deadlines following Ordinance adoption, was as follows:

- 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 MV Register.
- Following the six-month removal period deadline, properties remaining on the MV Register must stay on the MV Register and could not be removed for 10 years from the initial designation. However, after that 10-year period, a property owner could apply for removal every five years based on the anniversary of the designation. For example, properties designated on October 12, 2004 (the original MV Register adoption date) were eligible to apply for removal on October 12, 2014, October 12, 2019, and October 12, 2024.

After the initial “opt-off” period, 37 properties remained on the MV Register. Since then, the MV Register has changed in the following ways:

- Five properties have been added to the MV Register;
- Six “opt-off” properties have been relisted by property owners to take advantage of incentives;
- One property was demolished; and
- One property was removed from the MV Register by a property owner request.

The current MV Register includes 46 properties (see Attachment 2—Mountain View Register); however, the 46 properties that have opted off since 2005 may still be eligible under the “local criteria” adopted in the Ordinance. The properties that have opted off are not protected unless an application that will modify structures on the property requires review under CEQA in association with a discretionary planning permit, or they are still eligible for the California or National Registers (thereby requiring environmental review and an HP Permit for applications that will modify structures on the property). However, these properties are not eligible for incentives that are available to properties on the MV Register.

### **California Environmental Quality Act**

In addition to the City’s Ordinance, CEQA provides another legal framework by which historical resources are identified and given consideration during the planning process. Under CEQA, impacts to historic resources are considered environmental impacts.

When a development application is subject to City discretion (typically a planning permit), CEQA requires the City to determine whether the property is a “historical resource.” If it is a “historical

resource,” then the City must determine whether the changes to the property would cause a “substantial adverse change in the significance of a historical resource.” Some examples of proposed changes may include demolition, complete alteration of a front facade, or addition of a substantial vertical addition visible from public rights-of-way. There are three possible outcomes for CEQA review of proposed changes to historic properties: (1) a categorical exemption is applicable when the change or alteration is minor and the implementation meets the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties; (2) a negative declaration or mitigated negative declaration is required when the proposed project is not minor and would not cause a substantial adverse change to the historical resource or if the adverse change can be mitigated by following the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties; and (3) an Environmental Impact Report (EIR) is required when the proposed project would potentially cause a substantial adverse change to a historical resource. Preparation of environmental documentation when a project is not exempt, particularly preparation of an EIR, can be a costly and time-consuming process for an applicant.

Projects that would be subject to CEQA currently include:

- Most projects on commercial, industrial, multi-family, and mixed-use sites that do not apply through a ministerial permit process, such as SB 35 (Gov. Code § 65913.4);
- Uses above as well as single-family residential uses in the Downtown Precise Plan that do not apply through a ministerial permit process, such as SB 1123 (Gov. Code § 66499.41); and
- Properties requiring an HP Permit (on the MV Register or eligible for the National or California Registers).

It is important to note that while CEQA requires identification and mitigation of potential significant impacts to historic resources, its purpose is to inform decision-makers; CEQA does not stop a project (e.g., with an EIR, a project may be approved even if it has significant, unavoidable impacts).

### **Prior Meetings**

#### **City Council Meeting—April 12, 2022**

At the April 12, 2022 City Council meeting (see [Attachment 6—Council Report, April 12, 2022](#)), the City Council reviewed and approved the project scope of work and consultant contract with Page & Turnbull, Inc., to update the Zoning Ordinance standards and procedures for the designation and preservation of historic resources (Section 36.54.45 through Section 36.54.97 of the Mountain View City Code ) and MV Register. The City Council also directed staff to review up

to eight buildings in downtown to analyze whether they would be eligible to be nominated to the National Register and to determine if Area H could be considered a historic district.

#### Community Workshop—October 30, 2023

Staff held a hybrid community workshop on October 30, 2023. Eleven (11) community members attended in person, and approximately 30 community members attended the meeting virtually.

Community members asked questions about the process and requirements. Some concerns were raised by property owners regarding requests for clarity about who is affected by this project, fear of excessive property owner obligations, and information on what structure modifications are possible on historic properties. For a comprehensive summary of the workshop, see Attachment 8, Outreach Summary and Comments Received.

#### City Council Study Session—December 12, 2023

A City Council meeting was held on December 12, 2023, (see [Attachment 7—Council Report, December 12, 2023](#)) to receive additional direction on the goals and scope of the project. The following goals were identified:

- **Reflect the community's preservation priorities.** Updating the MV Register to create a comprehensive list of historic resources that the community wishes to preserve.
- **Provide clarity about historic status and requirements.** Create a comprehensive list of historic properties so that property owners are aware of their historic status and process requirements before they develop plans to modify them. Additionally, this will also allow the community to be aware of the historic properties and requirements to avoid confusion.
- **Streamline the process of determination and review.** A Citywide survey will reduce the need for individual applicants to conduct their own analyses and for the City to peer review the analyses.
- **Provide incentives that support preservation, maintenance, and integrity improvement.** If property owners are not given adequate incentives, they may allow their historic properties to deteriorate over time. Listing all historic properties on the MV Register will provide clarity and make properties eligible for incentives.
- **Create local district criteria for a Downtown Preservation District.** Since downtown Mountain View does not meet the criteria for the California or National Registers, local district criteria could be created to adopt a Downtown Preservation District.

In addition, Council directed staff to evaluate and conduct an intensive survey for the following properties:

- All properties currently listed on the Mountain View, California, or National Registers and all properties located within Area H of the Downtown Precise Plan (100-300 blocks of Castro Street).
- Single-family properties that were previously identified as eligible for the California or National Registers or those located in Precise Plan areas.
- Commercial, institutional, civic, and multi-family properties that were previously identified as eligible for the Mountain View, California, or National Registers or identified as potentially eligible during the reconnaissance survey.

#### Virtual Question and Answer Session—August 25, 2025

In early August, the City sent letters to property owners whose properties were identified as potentially eligible for the MV Register, as well as those whose properties may be delisted. On August 25, 2025, the project team held a [virtual presentation and question and answer session](#). The meeting was attended by 27 community members. Key questions concerned CEQA and other state laws, details regarding the listed properties, historic districts, incentives, and upcoming project activities and events. For a detailed list of questions, see Attachment 8, Outreach Summary and Comments Received.

#### Community Workshop—September 3, 2025

On September 3, 2025, the City held an in-person workshop to discuss the potential next steps for the Ordinance, which was attended by approximately 20 community members. Recorded notes from the meeting are included in Attachment 8, Outreach Summary and Comments Received.

The following is a summary of the comments from this workshop, organized by topic in this report:

- **Criteria and Draft Register.** Community members expressed concerns that being on the MV Register could reduce property value, limit development flexibility, and create a barrier for construction or modification. Participants emphasized the importance of ensuring that historic property designation supports, rather than hinders, the vitality of buildings and districts. Concerns were raised that commercial properties can become underutilized once listed and that the fear of designation has grown due to perceived barriers to construction faced by current historic property owners. Feedback also underscored that historic resources should be established at both the building and district levels.

- **Nomination, Listing, and Delisting Process.** Attendees expressed support for the historic preservation self-nomination process and opportunities for district nominations, noting that this could help capture the broader context of neighborhoods and historic figures and not just individual buildings. It was also recommended that properties that are added to the National Register also be added to the MV Register. Concerns were raised regarding the financial impacts of designation, and participants emphasized the need for additional resources to help property owners better understand these implications.
- **Development Review Process.** There was support for updating the review process to base the review level on the scope of work for the project (i.e., small modification projects would be reviewed by staff or at an Administrative Zoning hearing instead of being reviewed by the Council). Participants requested clarification regarding CEQA, particularly as some property owners who have opted off the MV Register may not be aware that they remain subject to CEQA requirements. Comments also highlighted the importance of transparency and accessible information for property owners and the community. Suggestions included making hard copies of the Historic Context Statement available at the Planning Counter and Mountain View Public Library, preparing a “how-to” guide outlining permitting and designation procedures, and providing clear timelines, checklists, and expectations for applicants.
- **Other Topics.** Participants suggested consideration of a heritage zoning overlay for the downtown area. Participants valued the Mills Act as an important incentive for maintenance and preservation and suggested additional measures, such as plaques, markers, and signage, to promote community awareness and pride in historic resources. Requests were also made for greater transparency and accessibility of materials, including timelines, checklists, guidance documents, and the Historic Context Statement. Participants also requested more information on tax rebates and the Mills Act program, as well as practical support for property owners through access to qualified consultants, engineers, and maintenance professionals.

#### Environmental Planning Commission Meeting—October 1, 2025

On October 1, 2025, an Environmental Planning Commission (EPC) meeting (see Attachment 9—EPC Report, October 1, 2025) was held regarding this item. The EPC’s recommendations on each topic are provided in their respective sections of this report, below.

Four members of the public spoke on this item. Three speakers urged the City to create programs or incentives to help preserve historic buildings, such as the Rogers Building in Downtown Mountain View; opposed removing ineligible properties—particularly the Rogers Building—from the MV Register; and supported establishing a formal historic district in Area H of the P(19) Downtown Precise Plan. Another speaker was a representative from the Buddhist Temple, who



posed questions about which properties would be listed and stated their preference not to be on the MV Register.

Three emails were sent to the EPC prior to the meeting (see Attachment 8—Outreach Summary and Comments Received). One requested that 134 Castro Street be removed from consideration for listing on the MV Register. Another expressed general support for staff recommendations related to the nomination, listing, and delisting process and the development review process while encouraging the creation of a formal historic district downtown on Castro Street, Villa Street, and Dana Street. The last email expressed concerns about removing 142-156 Castro Street from the MV Register and stated that more analysis is necessary on the other four ineligible properties (as described later in this report).

## **ANALYSIS**

The purpose of this meeting is to seek Council confirmation regarding four key topics that are essential for staff's further work on this update process:

1. The eligibility criteria for local designation and draft list of privately owned properties that may be eligible for listing in the MV Register.
2. A process for delisting (i.e., removing) properties that may not meet eligibility criteria.
3. The proposed process changes for nominating, adding, and delisting properties from the MV Register.
4. The proposed process changes for review of modifications to historic resources (i.e., the permitting process and approval authority).

### **Eligibility for Local Designation and Draft List of Properties**

Eligibility for historic resources is composed of two different elements: "significance" criteria and "integrity" thresholds, each of which are further defined below. The Ordinance currently includes significance criteria that are similar to those established at the state and national levels. Only minor changes are needed to these criteria. The City does not currently have integrity thresholds.

The National Register is the nation's most comprehensive inventory of historic resources. In order for a property to be eligible for listing in the National Register, it must be found significant under one or more of the criteria listed in Table 1. In addition, the criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register. The existing significance criteria used to determine if a property is eligible for listing on the MV Register are similar to the criteria used to determine eligibility for

the National and California Registers, as detailed in Table 1. However, there are minor changes (such as order and terminology) that can be made to the City's significance criteria to ensure better alignment.

**Table 1: Significance Criteria**

<b>Criteria</b>	<b>National/California Registers</b>	<b>MV Register (Municipal Code § 36.54.65)</b>
<b>A/1/b (Events)</b>	Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.	Is the site of a significant historic event in the City's past.
<b>B/2/a (Persons)</b>	Resources that are associated with the lives of persons important to local, California, or national history.	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>C/3/c (Design)</b>	Resources that embody the distinctive characteristics of a type, period, region, or method of construction or represent the work of a master or possess high artistic values.	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.
<b>D/4/d (Info. Potential)</b>	Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California, or the nation.	Has yielded or may be likely to yield information important to the City's prehistory or history.

In addition to satisfying the significance criteria for listing in the National Register, California Register, and/or MV Register, a property must be shown to have sufficient historic integrity. The concept of integrity is essential to identifying the extent to which important physical characteristics are present in a historic resource. Integrity is defined as "the authenticity of a historic resource's physical identity evidenced by the survival of characteristics that existed

during the resource’s period of significance.”<sup>2</sup> The seven variables or aspects that define integrity (location, design, setting, materials, workmanship, feeling, and association) are used to evaluate the eligibility of a resource for listing on the National and/or the California Registers as well as to evaluate the degree of change of any potential alteration to a historic resource.

Currently, the Ordinance does not contain integrity thresholds. One of the goals for this project, previously identified at the December 12, 2023, Council meeting, was to “provide clarity about historic status and requirements” for a property. The City can do so by aligning the MV Register with the significance criteria and integrity thresholds used for the National and California Registers.

Significance and integrity can vary based on the age and type of the historic resource. To facilitate an understanding of these factors, the project team prepared the Historic Context Statement (HCS), which identifies significant themes, patterns, and property types within Mountain View to recognize the trends that helped shape the built environment. The HCS provides a framework that assists in the identification, evaluation, and review of improvements at historic properties. A draft of the HCS is attached (see Attachment 3—Historic Context Statement). The HCS will be reviewed and adopted by the City Council along with the Ordinance and MV Register.

After the HCS was completed, an intensive survey was conducted, focusing on the property types that the Council directed staff to study as part of this update. The intensive survey resulted in the preparation of a draft list of privately owned properties that appear to be eligible for listing in the MV Register based on the criteria established in the Ordinance and the HCS. This process is detailed further in Attachment 4—Draft Survey Methodology Report.

The draft list of 101 eligible properties includes a mix of uses detailed further below in Table 2. A map of these properties is shown in Figure 1. Attachment 5, Draft Intensive Survey Report, includes a list of all potentially eligible properties, a map of the properties, and documentation for each property that supports the finding that they meet the draft eligibility criteria. Five of the 46 properties currently in the MV Register have been identified for potential delisting based on the intensive survey and are not included in the list of 101 properties. Additional detail regarding the considerations associated with the potential delisting of these five properties is provided below. The list is considered a draft since it may be informed by City Council direction as well as factual review by the public who have until December 1, 2025 to comment on the materials.

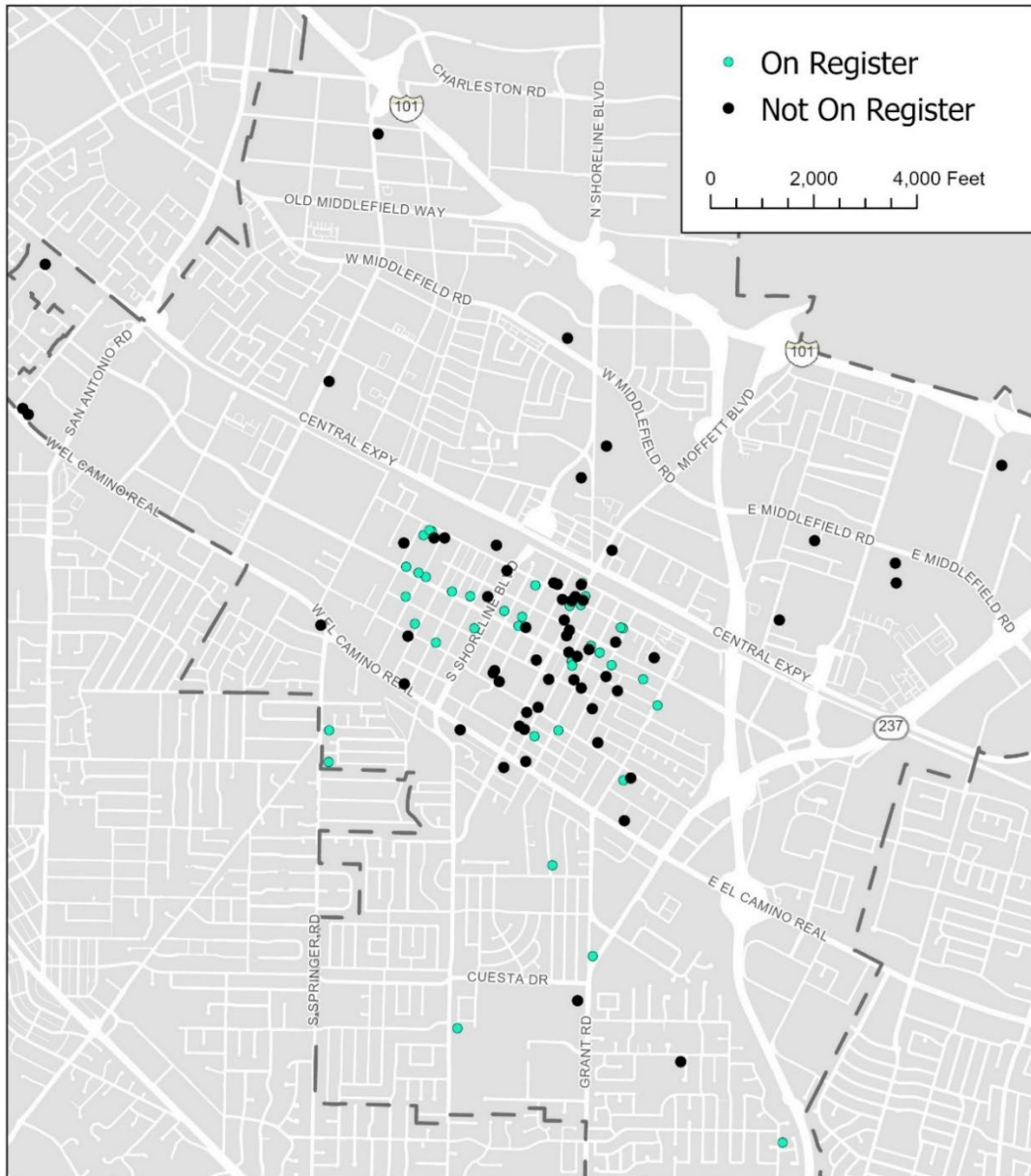
**Table 2: Eligible Properties by Use**

<b>Eligible Property Types</b>	<b>Number</b>
Single-family/duplex properties	54

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<sup>2</sup> California Office of Historic Preservation, Technical Assistant Series No. 7: How to Nominate a Resource to the California Register of Historic Resources (Sacramento, CA: California Office of State Publishing, September 4, 2001), 11.

Commercial/industrial	28
Institutional, education, religious	12
Multi-family residential	4
Agricultural	3



**Figure 1: Map of Draft Historic Resources**

### Staff Recommendation

- Continue to utilize the City’s significance criteria as shown above in Table 1 with minor changes (such as order and terminology) to improve consistency with state and national historic preservation best practices.
- Adopt integrity thresholds consistent with state and national historic preservation best practices, defined as “the authenticity of a historic resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance,” with a focus on location, design, setting, materials, workmanship, feeling, and association.
- Include the draft list of eligible properties in Attachment 5, Draft Intensive Survey Report in the MV Register, subject to public review of the accuracy of published materials.

### EPC Recommendation

The EPC supported the staff recommendation.

### Ineligible Properties

The intensive survey identified five properties that are currently listed on the MV Register but that do not appear to meet integrity thresholds for listing. In other words, the properties do not visually appear as they did during their period of significance and, therefore, may not be eligible for listing on the MV Register based on staff’s proposed criteria. Table 3 contains the historic and modern pictures of the five properties.

**Table 3: Properties that May Be Ineligible for Continued Listing**

Address	Historic Picture	Modern Picture
142-156 Castro Street (Rogers Building) <i>Mills Act contract in place</i>		

**Address**

**Historic Picture**

**Modern Picture**

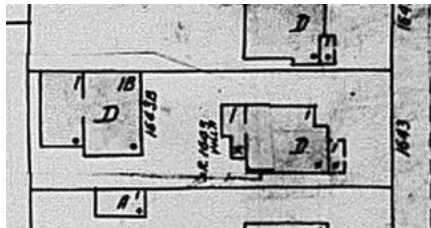
298 Castro Street  
(Scarpa's Meat Market)



336 Mariposa Avenue  
(Camp Residence)  
*Mills Act contract in place*



1643 Villa Street



1076 Wright Avenue  
(Eaton-Manfredi House)



Continuous inclusion of these properties on the MV Register would result in challenges with future review of applications at these sites. A key aspect of Ordinance administration is the evaluation of proposed modifications to historic resources as compared to the relevant baseline of historical significance. However, since most or all of the character-defining features of these structures have been lost over time, there is insufficient historical integrity against which to



compare proposed modifications to determine whether impacts to historical integrity would occur.

It is also unclear as a matter of public policy whether incentives in the Ordinance, such as property tax reductions through a Mills Act contract, should be granted to properties that do not possess sufficient historical integrity to justify continued listing on the MV Register. The purpose of a Mills Act contract is to provide a financial resource to a property owner that supports the maintenance and preservation of a historic resource and its character-defining features. In the absence of these features, the basis for a public subsidy through property tax reduction is unclear. Two properties listed in Table 3 currently have Mills Act contracts.

Letters that contained information on the potential ineligibility of these five properties for listing in the MV Register were sent to the property owners along with staff contact information. On September 17, 2025, City staff met with the property owner at 336 Mariposa Avenue regarding this issue. Following the meeting, the owners submitted a letter, which is included in Attachment 8, Outreach Summary and Comments Received. Staff has not received any correspondence from the remaining four property owners.

#### Staff Recommendation

Staff recommends developing a process whereby these properties have an opportunity to improve their integrity within a limited time before being removed from the MV Register. The property owners of these five properties would need to submit an application with an analysis showing that the improvements would return sufficient integrity to be eligible for continued listing in the MV Register. If they have not met the deadline, they would be automatically removed from the MV Register, and any Mills Act contracts would be canceled. Staff recommends this balanced approach to minimize impacts to individual property owners from the loss of any incentives associated with their properties (such as Mills Act property tax reductions) while at the same time maintaining the integrity of the Ordinance and associated incentives provided to property owners.

#### EPC Recommendation

1. The staff recommendation to the EPC was to allow five years to complete required permitting and to construct improvements that rehabilitated these properties and restored historic integrity. However, the EPC recommended a four-year period to submit an HP Permit with the restoration plan; failure to do so would result in removal from the MV Register at that time. A property owner submitting an HP Permit application within four years would receive an additional three years to obtain City approval of their proposed restoration/rehabilitation work and to complete construction.

2. The EPC recommended that the City identify and adopt more proactive measures/approaches for two ineligible properties located in the downtown area to guide property owners to move forward with the restoration and rehabilitation of these properties. If the City Council supports this recommendation, staff will study potential approaches for the City Council to consider with the adoption of the Ordinance.

## **Nomination, Listing, and Delisting Processes**

### **Current Nomination, Listing, and Delisting Process**

Chapter 36 (Zoning) of the City Code (Section 36.54.45 through Section 36.54.97) contains the process requirements for adding properties to the MV Register. The process includes the following steps:

1. **Nomination.** Nomination of a property may be carried out either by the property owner or by the City Council. If the City Council nominates a property, the following steps will only be carried out with approval from the property owner.
2. **Staff Review.** If the property owner nominates a property, they must submit such historical and architectural information as is required to allow City staff to make an informed recommendation concerning the application. If the City Council nominates a property, these materials would be prepared under contract with the City. This information would be reviewed by staff and may also be reviewed by outside expert consultants.
3. **Formal Listing Action.** Once the materials have been reviewed, the formal action to list a property on the MV Register requires public hearings before both the Zoning Administrator and the City Council.

A property may be removed from the MV Register through an owner-initiated “opt-off” request. The opt-off option is permitted once every five years on the anniversary of the original designation. No public hearings are required for the removal of a property. However, property tax rebates received through the City’s property tax rebate program<sup>3</sup> would have to be repaid with interest. Additionally, Section 36.54.75.d (Predemolition review) of the City Code requires a property owner who previously opted off the MV Register to meet with Planning Division staff prior to approval of any demolition permit to review incentives and alternatives to demolition.

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<sup>3</sup> This is a different program than the Mills Act.



### Limitations with the Current Process

There are several limitations to the current process to add or remove properties from the MV Register:

- Allowing owners to remove themselves from the MV Register does not provide transparency to the public when an owner does so. It also may not eliminate obligations under the Ordinance if the property is eligible for the National or California Registers or requires environmental review in accordance with CEQA if the property owner requests a discretionary permit from the City. This not only impacts public transparency but could affect future owners who were not involved in the decision to remove a property from the MV Register.
- Properties listed on the National and/or California Registers are not automatically included on the MV Register.
- The Ordinance includes review requirements for California and National Register-eligible properties, but this can be determined without the knowledge of the property owner, and there can be disagreement among experts about eligibility.<sup>4</sup>
- The Ordinance does not include a process for the nomination of local historic districts, which would allow property owners to nominate their neighborhood.<sup>5</sup>
- The Ordinance does not clearly provide a process for delisting a property due to demolition.
- The Ordinance does not provide a process for delisting a historic property due to reassessment of eligibility through further analysis, if it becomes a safety hazard, economic hardship, or natural disasters (which are typically found in other historic ordinances).

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<sup>4</sup> For example, the City commissioned a study of California and National Register-eligible properties in 2008. Page and Turnbull reevaluated the properties and found 11 that they determined were not eligible.

<sup>5</sup> Historic districts are a group of buildings which are not significant individually but are significant as a whole. Evaluation and designation criteria for historic districts have been established for the National Register and California Register. The Ordinance presently does not include a definition, criteria, designation, or review process for local historic districts. Based on prior direction from the City Council, staff did not conduct a survey for the designation of residential historic districts as part of this update.

### Staff Recommendation

Update the Ordinance with the following nomination, listing, and removal processes (summarized in Table 4):

- Remove the unilateral owner opt-off provision and the required owner approval within the Council nomination process. With this modification, the City Council could still consider owner sentiment when deciding whether to add or remove a property on the MV Register.
- Create a process for neighborhoods or districts to nominate themselves, subject to Council approval. The proposed district would include a minimum number and percent of contributing resources within a geographically defined area. At least 50%<sup>6</sup> of owners should be included as signatories on the application. The review process should include a mailed ballot to all contributing properties to notify the property owners of the potential district nomination and allow for comments on the matter, which the City Council would take into consideration when they decide whether to list the district on the MV Register.
- List properties on the MV Register if an official determination of eligibility is made by the California Office of Historic Preservation or the National Parks Service, which is a formal process that does not depend on owner acceptance. This would resolve the transparency and consistency issues identified with the language in the Ordinance regarding review requirements for California and National Register-eligible properties.
- Provide delisting procedures that consider findings, including reassessment of eligibility through further analysis, if a listed property becomes a safety hazard, is damaged by a natural disaster, or an owner faces an economic hardship related to a property's listing. Also, provide a delisting procedure, consistent with CEQA, whereby the City Council can delist a property from the MV Register, such as due to demolition, if there is an overriding consideration (for example, if the value of the resource is outweighed by public benefits like open space or affordable housing).

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<sup>6</sup> Other neighborhood-level zoning actions, such as the Height Overlay zone or the Neighborhood Design Overlay zone, require nomination by at least 50% of owners.

**Table 4: Comparison of Current and Proposed Nomination, Listing, and Delisting Processes**

	<b>Current Code</b>	<b>Staff Recommendation</b>
Nomination	<ul style="list-style-type: none"> <li>Property owner</li> <li>City Council (property owner must approve)</li> </ul>	<ul style="list-style-type: none"> <li>Property owner</li> <li>District/neighborhood (minimum 50% of owners)</li> <li>City Council</li> </ul>
Listing	<ul style="list-style-type: none"> <li>City Council, after Zoning Administrator (ZA) recommendation</li> </ul>	<ul style="list-style-type: none"> <li>City Council</li> <li>Automatic after California/National Register official determination</li> </ul>
Delisting	<ul style="list-style-type: none"> <li>Owner opt-off every five years</li> </ul>	<ul style="list-style-type: none"> <li>City Council, after ZA recommendation (based on specific findings or through CEQA process)</li> </ul>

**EPC Recommendation**

The EPC supported the staff recommendation with additional clarification and assurance that property owner negligence—such as failure to maintain a historic resource to the point that it becomes a safety hazard or economic hardship—shall not be considered a valid basis for delisting a property.

**Development Review Process****Current Development Review Process**

The Ordinance has three levels of development review for projects that would alter a historic resource listed in the MV Register or eligible for listing in the California or National Registers:

- Additional review is not required for various improvements that “have limited potential to affect the character-defining features of a historic resource and shall include modifications to the interior, changes to landscaping, and the repainting of previously painted surfaces, regardless of color.”
- The Zoning Administrator reviews HP Permit applications for alterations to properties on the MV Register if the property is not eligible for listing on the California or National Registers.

- The City Council reviews HP Permit applications for alterations to properties that are eligible for listing on the California or National Registers, regardless of whether a property is listed on the MV Register.

HP Permit projects must meet certain findings per Section 36.54.85 (Requirement of permit—Development review process) of the City Code:

1. The proposed significant alteration will not result in a substantial adverse change in the significance of the historic resource.
2. The proposed significant alteration maintains and enhances the appearance of the community.
3. If the property is eligible for the California or National Register, the alteration is in substantial compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

#### Challenges with the Current Process

Staff has identified several challenges with the current Ordinance that affect its clarity and effectiveness:

- The list of exempt alterations in the Code is limited and not objective; therefore, it does not provide transparency to applicants about whether an HP Permit will be required for many minor alterations.
- The Ordinance does not differentiate between major and minor projects (other than exempt activities), which can result in minor modifications, such as rear additions, needing City Council review (triggering a longer permitting process).
- Taking applications to the City Council solely based on California or National Register eligibility is not transparent as it may not be known by the property owner or staff that a property is eligible for those registers until after the application is submitted.
- There is no clear process for consideration of demolitions and other modifications that affect the integrity or eligibility of the resource.
- There are no enforcement provisions to ensure compliance.

### Staff Recommendation

Staff recommends updating the Ordinance with the following development review procedures to provide greater clarity, transparency, and efficiency in the review process (summarized in Table 5):

- Clarify and adopt a comprehensive list of exempt alterations.
- Define “minor alterations” (e.g., in-kind replacement of doors and windows, alterations not visible from the public right-of-way, such as rear additions, and changes to noncharacter-defining features) and provide a staff-level review process. It is important to note that there are cases when these types of alterations may need additional analysis to ensure that character-defining features of the structure are preserved.
- Define “major alterations” (e.g., relocation, new openings, visible additions, and alterations that would alter, remove, or obscure character-defining features) for review through an Administrative Zoning public hearing. These applications typically require analysis to ensure that the resource retains sufficient integrity and eligibility for continued listing on the MV Register. Public noticing is a part of the Administrative Zoning public hearing process and would ensure transparency regarding review of major alterations.
- Create a process for delisting a property from the MV Register, such as when demolition of a structure is required.
- Incorporate enforcement measures for property neglect, unauthorized alterations, or demolition without permits.
- Align permit review procedures with environmental review requirements under CEQA.
- Require contributing properties in a historic district to adhere to the review processes for individually listed resources.

**Table 5: Comparison of Current and Proposed Development Review Procedures**

	<b>Current Code</b>	<b>Staff Recommendation</b>
Exempt Alterations	<ul style="list-style-type: none"> <li>Definition with a limited set of examples.</li> </ul>	<ul style="list-style-type: none"> <li>More comprehensive list of alterations to provide more clarity for applicants and staff.</li> </ul>
Staff Level Actions	<ul style="list-style-type: none"> <li>None, though some minor permits, like signs, are approved at staff level outside the HP Permit process.</li> </ul>	<ul style="list-style-type: none"> <li>“Minor Alterations,” such as in-kind replacement of doors and windows, rear additions not visible from the front of the house, modifications to nonhistoric features, etc.</li> </ul>
Administrative Zoning Public Hearing Actions	<ul style="list-style-type: none"> <li>All minor and major alterations to properties that are listed on the MV Register but not eligible for listing on the California or National Register.</li> </ul>	<ul style="list-style-type: none"> <li>“Major alterations” such as relocation, new openings, visible additions, and alterations that would alter, remove, or obscure character-defining features but maintain integrity for listing.</li> </ul>
City Council Public Hearing Actions	<ul style="list-style-type: none"> <li>All minor and major alterations if a property is eligible for the California or National Register (whether listed on the MV Register or not).</li> </ul>	<ul style="list-style-type: none"> <li>Alterations that would require delisting, including demolition.</li> </ul>
Other	N/A	<ul style="list-style-type: none"> <li>Include enforcement provisions.</li> </ul>

### **Benchmarking**

The project team reviewed historic preservation ordinances from various California cities with well-established programs and analyzed how these jurisdictions address issues similar to those discussed in this report. Table 6 summarizes the approaches various jurisdictions take to address these issues.

**Table 6: Topics Addressed in Ordinances in Other Jurisdictions**

Topic	Other Jurisdictions
Owner opt-off	Owners are not typically allowed to opt off of a local register.
Delisting (most delisting processes are based on lack of eligibility)	<p>Cities studied with delisting procedures: Glendale, Beverly Hills, Richmond, Monterey, San Francisco, San Luis Obispo.</p> <p>Cities studied without delisting procedures: Menlo Park, Palo Alto, Sunnyvale, San Jose, Redwood City, Palm Springs, Torrance, Pasadena, Merced.</p>
Distinguish between major and minor alterations	Palm Springs, Glendale, Pasadena, Richmond, Monterey, San Francisco, San Luis Obispo.
Required minimum district property owner initiation, consent, or support (see bullet on next page)	<ul style="list-style-type: none"> <li>• San Jose: 60% of property owners can initiate a district.</li> <li>• Palm Springs: 51% written approval of support from property owners.</li> <li>• Torrance: 100% written petition of support of property owners.</li> <li>• Glendale: 25% support to initiate designation, 50+% required for approval of designation.</li> <li>• Pasadena: 51% support of property owners.</li> <li>• Beverly Hills: 50% signatures of support of property owners.</li> <li>• Merced: Requires written consent of property owner but does not clarify how this works for districts.</li> </ul>
Required minimum contributors to a district	<ul style="list-style-type: none"> <li>• Palm Springs: 51%</li> <li>• Torrance: 66%</li> <li>• Pasadena: 60%</li> <li>• Beverly Hills: 70% (Districts cannot include single-family homes/R1 zoning)</li> </ul> <p>No prescribed minimum: Menlo Park, Palo Alto, Sunnyvale, San Jose, Redwood City, Glendale, Richmond, Monterey, Merced, San Francisco, San Luis Obispo.</p>

The following nomination/listing/delisting and development review process options were considered but are not recommended by staff for further consideration:

- **Historic Overlay Zone:** Some cities designate properties both through the local register and by overlay zone, the latter of which would require a legislative process if the property owner wanted to remove the resources. However, this process may be overcomplicated, and there may be confusion about properties that may be in the overlay zone and not listed on the MV Register or listed in the MV Register but not in the overlay zone (for example, there is no way to automatically rezone a property if it is placed on the California or National Registers without a legislative action by Council). In addition, the legislative process for the overlay zone may not ensure that properties meet eligibility criteria (for example, if the zone is applied through a ballot initiative).
- **Historic District Property Owner Consent:** Some cities require a percentage of affected owners in a district to approve the designation prior to listing (generally around 50%). This is more restrictive on City policy than the staff recommendation, which would only require the percentage to approve the nomination application. The difference is that nominations may occur through other processes (such as the City Council), and the City Council may wish to consider factors other than the level of property owner support when approving a historic district under those circumstances.

### EPC Recommendation

The EPC supported the staff recommendation, adding that consolidation of interior floor areas, such as the removal of original walls or reconfiguration of historic interior spaces along Castro Street, should be considered a major alteration given its potential impact on the historic scale and rhythm of businesses and uses in downtown.

### FISCAL IMPACT

There are currently 22 properties with Mills Act contracts and five historic properties that have agreements with the City to receive annual property-tax rebates (only two property owners currently submit rebate claims). Based on the County's records for Fiscal Year 2024–25, the total abated tax was approximately \$57,000<sup>7</sup> under the Mills Act, and approximately \$3,000 under the City's Historical Property Tax Rebate Program, for a combined total of approximately \$60,000.

The proposed updates to the Ordinance, along with the expanded historic register, could have several fiscal implications. More properties may become eligible for Mills Act contracts, which would increase incentive-related costs and potentially reduce the amount of property tax

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<sup>7</sup> Readily available data from the County combines Mills Act tax information with the Williamson Act, which is intended to preserve farmland and affects one property in Mountain View.



revenue the City receives. In addition, newly identified properties may require additional review when improvements are proposed.

At the same time, the updated Ordinance could reduce costs for future project applicants. Because the intensive survey has already compiled detailed historic information, applicants may no longer need to obtain this information individually, avoiding project-by-project expenses.

Overall, the fiscal impact of the updated Ordinance is difficult to quantify at this time, as it is not yet known how many property owners will pursue incentives or propose projects that trigger review.

### **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html)

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

### **EXEMPT FROM THE LEVINE ACT**

☒ General policy and legislative actions

### **CONCLUSION**

In conclusion, staff is seeking City Council direction on the draft list of properties eligible for the MV Register and draft strategies for Ordinance updates, including the process for adding and removing properties from the MV Register and the development review process for modifications to historic structures. City Council input will provide direction for staff to continue refining and updating the Historic Preservation Ordinance and the MV Register prior to adoption.

### **PUBLIC NOTICING**

The City Council agenda is advertised on Channel 26, and the agenda and this report appear on the City’s internet website. Meeting information was posted on the project webpage

([www.mountainview.gov/historicupdate](http://www.mountainview.gov/historicupdate)). Additionally, the City Council meeting was also communicated in the following ways:

- Verbal notification regarding an upcoming Council meeting at the August 25, 2025 Virtual Question and Answer session and September 3, 2025 Community Workshop.
- Mailed notices were sent to all property owners whose properties may be affected by potential listing or delisting as historic resources (See Attachment 10—Notice to Affected Property Owners).
- Electronic notifications sent to individuals who have signed up on the project webpage to receive communications about this project as well as other stakeholder groups, including Neighborhood Associations, Livable Mountain View, and the Historical Association.

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- Attachments:
1. [Historic Preservation Ordinance](#)
  2. Mountain View Register
  3. Historic Context Statement
  4. Draft Survey Methodology Report
  5. Draft Intensive Survey Report
  6. [Council Report, April 12, 2022](#)
  7. [Council Report, December 12, 2023](#)
  8. Outreach Summary and Comments Received
  9. [EPC Report, October 1, 2025](#)
  10. Notice to Affected Property Owners