



Historic Resources Board

Staff Report (ID # 13425)

Report Type:	Action Items	Meeting Date: 12/9/2021
Summary Title:	Update on SB9 Urgency Ordinance and HRB Retreat Topics Discussion	
Title:	Update on SB9 Urgency Ordinance and Discussion of Topics for 2022 Historic Resources Board Retreat	
From:	Jonathan Lait	

Recommendation

Staff recommends that the Historic Resources Board (HRB) take the following action(s):

1. Receive staff's update regarding the December 6, 2021 Council agenda item regarding an urgency/interim ordinance implementing 2021 State legislation (SB9 and SB478) and provide comments
2. Discuss topics for the upcoming January 2022 retreat and finalize the agenda

Background

On October 28, 2021, staff updated the HRB regarding the ongoing Housing Working Group process and recently passed State housing legislation as related to historic resources. The September 9, 2021 HRB report contained the potential retreat topics for discussion.

HEWG Progress

The December 2, the Housing Element Working Group (HEWG) meeting had these goals:

- a. Revise the 'Pipeline' yield from 405 units to 515 units
- b. Revise the 'Accessory Dwelling Unit yield' from 400 units to 512 unit.
- c. Approve the 127 units from the staff suggested sites
- d. *Approve inclusion of 6,953 units in the housing inventory list*, as outlined in the Proposed Working Group 12/2/21 list, to meet the City's RHNA (Regional Housing Needs Allocation)
- e. Place 2,052 units into the Reserve list, as outlined in the Proposed Reserve List 12/2/21
- f. Recommend the Planning and Transportation Commission recommend approval of the site selection strategies and unit yields.

The City's Housing Element 2023-2031 webpage link is here: <https://paloaltohousingelement.com/>. Links to the December 2 staff report¹, which contains the 'Housing Inventory List' of addresses (that could yield 6,953 units), the Housing Element 2021-2031 Potential Sites Map² and the Proposed Reserve List³ (of 2,052 potential units) are provided below. Note the Proposed Reserve List of sites contains potentially eligible historic resources, but these will NOT be included in the Housing Element.

State Housing Legislation Urgency Ordinance

The December 6, 2021 City Council meeting agenda included consideration and adoption of an Interim Urgency Ordinance implementing State housing legislation (SB9 and SB478) that goes into effect January 2022. Discussion of the SB9 item begins on page 198 of the Council packet, viewable at this link: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211206/20211206pccsm-final.pdf#page=198>. The December 6th report notes that robust public engagement has not occurred due to the short time between adoption and implementation. Staff anticipates "robust public engagement efforts by hosting study sessions, workshops, and hearings while considering permanent ordinances for SB 9, SB 478, and strengthening local no-net loss provisions." The two new ministerial processes that SB9 mandates are for 'two-unit development' and 'urban lot split' in the R1 and RE zones. To qualify for the SB9 processes, among other criteria, "*The project cannot be on a site designated as a local or state historic landmark or within a local or state historic district.*" The report provides a summary of the "before" and "after" SB9 implementation, for Listed Historic Resources in Palo Alto. The terms shown as 'The Way it is Now' and 'The Way it Will Be' are use in the below table that excerpts the portion of the December 6th staff report.

The Way it is Now	The Way it Will Be
Proposals to demolish an existing home and build a one-story home are not discretionary. Historic resources are not protected and do not require discretionary approval.	By limiting and in some cases prohibiting the IR process and/or discretionary approval, the City will have fewer opportunities to identify eligible historic resources.
The proposed demolition of a listed category 1 or 2 resource or a listed category 1 - 4 property in Professorville and Downtown to be replaced by a two-story home, requires discretionary approval and California Environmental Quality Act (CEQA) review.	Homes may be demolished without evaluations.
The Palo Alto Comprehensive Plan states a proposal to demolish a home must be preceded by a historic resource evaluation to determine eligibility for the California Register of Historical Resources (CRHR).	This issue will be revisited
If a home is eligible to be listed—but not listed—and a two-story home or other discretionary approval is requested, then CEQA review may apply.	

¹ Housing Element Working Group report 12-2-21 link: https://paloaltohousingelement.com/wp-content/uploads/2021/11/Dec-2nd-Memo_Site-Selection-with-Attachment-A.pdf

² Potential Housing Sites Map link: https://paloaltohousingelement.com/wp-content/uploads/2021/11/Housing-Element-2023-2031_Potential-Sites_DRAFT-11242021.pdf

³ Reserve list link: <https://paloaltohousingelement.com/wp-content/uploads/2021/11/Attachment-A-Reserve-List-Palo-Alto-Full-Sites-Inventory-12.02-version-1.pdf>

Through the performance of historic resource evaluations, the City identifies more eligible historic resources. The list of eligible resources is sent yearly to the State of California.

and further researched during development of a permanent ordinance.

Potential Retreat Topics

In the September 9, 2021 HRB report, the following potential retreat topics were listed:

1. Introductions: Members convey interest in Preservation/HRB, background
2. Goals for the year: Members note two to three goals, large or small, they would like to see the HRB accomplish in the upcoming year
3. Mills Act: Review history of Mills Act in Palo Alto, decide how best to proceed
4. Virtual Preservation (HABS): Discuss the Secretary of the Interior's American Buildings Survey Standard (HABS) and how we might modify it to establish a digital archive of our historic properties (See page 3 of Vice Chair Pease's document, Attachment E)
5. 1998-2000 Survey Update: Review status, access, relationship to Inventory2
6. HRB Outreach: Blogs, Workshops, and how best to encourage preservation in Palo Alto

On September 9th the HRB reviewed the retreat topics and seemed to be interested in adding another topic (the Comprehensive Plan). The minutes are viewable here: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/historic-resources-board/2021/hrb-10.28-sept-9-minutes.pdf>

The HRB retreat date was postponed from October 2021 to January 2022, given the City's need to prepare protocols for hybrid meetings and follow Council direction for boards and commissions to wait until January to meet in person (or continue to adopt resolutions to meet remotely due to public health concerns).

Discussion

HRB Work Plan

Staff previously suggested an HRB discussion regarding potential for amendments to the Historic Resources Board Work Plan. The HRB may wish to discuss whether or not to amend the HRB work plan for 2022 to add Vice Chair Pease's project on documentation and Board member Makinen's poster project. As well, a discussion would be timely – given SB9 implementation via urgency ordinance - to begin the process to update the local inventory and participate in outreach related to development of a permanent implementation ordinance.

Potential Survey/Inventory Update

The October 28, 2021 HRB report transmitted the plan and background documents regarding eligible historic resources, for the HRB's consideration. The report also contained the historic preservation ordinance section regarding nominations to the City's local historic inventory. Since October 28, staff reached out to the City's on-call consultant, who has provided staff with steps to an inventory update. This depends upon obtaining City Council direction to staff to proceed with Comprehensive Plan Policy 7.1.1 to update the Palo Alto Local Inventory with the

properties determined eligible for the California and National Registers. A survey would include a review of the eligible properties for integrity, proper documentation regarding eligible properties, outreach to property owners, notices to neighbors, and hearings with the HRB and Council.

HRB Retreat

The HRB may wish to finalize the potential topics for the January retreat agenda.

Ad Hoc Committee Updates

The HRB Chair seeks to have status updates from the three Ad Hoc Committees (Mapping, Inventory and Mills Act) on their progress and next steps, with 15 to 20 minutes per topic with presentation and discussion. Given the State housing legislation implementation timeline, staff would suggest the HRB prioritize the work of the Mapping and Inventory committees.

Report Author & Contact Information

Amy French, AICP, Chief Planning Official
(650) 329-2336
amy.french@cityofpaloalto.org

HRB⁴ Liaison & Contact Information

Amy French, AICP, Chief Planning Official
(650) 329-2336
amy.french@cityofpaloalto.org

Attachments:

- Attachment A: Potential HRB Processes and Work Plan Initiatives (PDF)

⁴ Emails may be sent directly to the HRB using the following address: hrb@cityofpaloalto.org

Potential HRB Processes and Work Plan Initiatives FOR DISCUSSION ONLY

Christian Pease, Vice Chair
Prepared at the request of Caroline Willis, Chair
City of Palo Alto Historic Resources Board (HRB)

Purpose –

The intent of this document is to facilitate board discussion pursuant to the completion of a Work Plan, as mandated by the City Council for its consideration and approval.

Initial Assumptions –

- 1) City staff resources assist the HRB with new initiatives will tightly constrained for the foreseeable future.
- 2) Little of no budget (beyond staff hours) will be available to fund HRB initiatives generally.

HRB Outreach –

There appears to be consensus that the goal of establishing an on-going, effective, and sustainable HRB outreach program is important to continued relevance of the HRB and appropriate preservation of Palo Alto's historic resources over time..

Preservation Constituencies –

The public worth and purpose of any civic organization or entity is by nature commonly defined and measured by the value it provides or creates for its constituents.

Identifying and honing in on specific segments within the more expansive definition of “community” (residents, businesses, stakeholders, etc.) is typically considered a best practice for maximizing benefits in for the cost and time invested in doing so.

With respect to historic preservation, constituent segments might include:

- 1) Owners who believe their property has historic merit and are interested in obtaining a historic designation, but first need to understand the costs and advantages of doing so – what the process entails and to what end.

- 2) Professional investors, real estate developers, and builders who need a clear understanding what may, or may not constitute a historic site or structure, what the associated financial implications might be for their project, as well as how to proceed efficiently to resolve open questions in order to make informed decisions.
- 3) Enthusiasts, volunteers with avocational knowledge, professionally skilled and expert retirees, and youth motivated to engage community service projects in support of their college and university admissions goals – are all part of Palo Alto’s rich pool of talent. This abundance talent present opportunities to source contributions in support preserving historic assets that might not otherwise not be done.

Example HRB initiatives per its required work plan –

For property owners: Adoption of the Mills Act – State of California – an economic incentive program for the restoration and preservation of qualified historic buildings by private property owners.

Apparently, quite a bit of work has already been done to compile and shape the information and data needed for the City Council to consider adoption of the Mills Act. But this work has laid fallow since the only fulltime historic preservation city staff position was eliminated some years ago.

Nonetheless, this presents an opportunity for the HRB to revisit this work in progress and potentially build upon it.

For example:

Pursuant to motivating City Council consideration and adoption of the Mills Act, what existing documentation/work-in-progress materials are extant? And what is required to gain access to them for review and evaluation?

How might the HRB develop a task plan to identify and scope the effort needed to prepare those materials for submission?

And what new research and analysis might be needed to fit them current conditions and realities?

For example, what have other nearby and in-region cities done with respect to adopting the Mills Act – including understanding municipal revenue impacts – so Palo Alto can take advantage of what they have learned and done?

For developers and builders: Creation of local digital preservation standard – to capture content and create records of historic Palo Alto structures that are slated to be demolished or significantly altered.

Premise: Adequate virtual preservation is better than no preservation at all!

For me, the demolition of the Campos building on El Camino Real trigged this idea.

That structure was deemed unqualified preservation and it was torn down without documenting any of its salient features.

What is interesting is that in a time that emphasizes inclusion of people of color and other marginalized communities that have long been left out much of the historical record, the imperative to do so had to be balanced with the need for new, additional housing.

And there is also a precedent for this virtual approach: The Secretary of Interior Historic American Buildings Survey Standard (HABS).

HABS is slowly evolving from its analogue roots, however it remains too complex, resource intensive, and costly to provide a reasonable way to routinely capture content associated with historic buildings, that for whatever reason, are going to be demolished.

The goal would be to create a local standard that streamlines digital capture, workflow, and archiving of virtual historic preservation content, including best practices that make it easy for practitioners to learn and implement.

Again, there is a lot of civic minded talent in our city. Just one example is the Palo Alto Camera Club, whose membership includes many talented, award winning, and technically skilled shooters. The club is often approached to cover local events on a volunteer, or small stipend basis.

Gaining support for this preservation technique suggests many possibilities:

- Surveying and analyzing same or similar, or otherwise relevant digital preservation efforts or programs used in other California municipalities..
- Scoping and validating cost parameters: Front-end, one-time costs for content capture, organization, and quality assurance; back-end and ongoing costs for repository and access infrastructure and operations.
- Identify advantages that this approach might convey to key constituencies and stakeholders such as property owners and developers, as well as generating historical, educational, accessibility benefits to our community as whole.