



Historic Resources Board Staff Report

From: Jonathan Lait, Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: June 22, 2023
Report #: 2306-1618

TITLE

Study Session to Discuss Existing Permit Review Processes for Historic Resources Related to the Palo Alto Municipal Code and Comprehensive Plan Policies

RECOMMENDATION

Staff recommends the Historic Resources Board:

- (1) Receive staff's presentation on the review process for modifications to historic resources
- (2) Discuss the outdated review process bulletin the HRB had approved in October 2016 for staff use and publication
- (3) Discuss a timeline for updating the bulletin including discussion at an upcoming HRB retreat

BACKGROUND

The City's program for historic preservation is dependent upon Comprehensive Plan Policies and the regulations in the Palo Alto Municipal Code. The attached, two-sided bulletin (Historic Resources and Permit Review Requirements) published in October 2016 (Attachment A) was removed from the City's website following Council adoption of the Comprehensive Plan in December 2017. The bulletin had specific language regarding discretionary reviews and evaluations related to the California Environmental Quality Act (CEQA) review process.

The bulletin was intended to provide guidance regarding the City's existing historic preservation ordinance (Attachment B, Palo Alto Municipal Code Chapter 16.49) related to ministerial and discretionary review processes. A range of historic resource types were included in the Group A and Group B resources noted in the bulletin. The historic types included historic district resources, individually-listed local inventory category 1, 2, 3, and 4 resources, resources deemed eligible for the National or California Registers, and resources already listed on those registers.

The 'potentially' eligible resources were not included in Group A or Group B but were briefly discussed in the bulletin. The Comprehensive Plan adoption in December 2017 included historic preservation policies that affected how the City handled potentially eligible resources, and the bulletin requires an update related to these policies prior to re-publication. Staff anticipates the work of case-by-case evaluations for individual properties and the 2023 Reconnaissance Survey will be described in a revised bulletin.

Comprehensive Plan Historic Preservation Policies

The City Council adopted the current Comprehensive Plan (Plan) at the end of 2017. The Land Use and Community Design Element of the Plan is viewable at this link: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/historic/long-range-planning/resources/2030-comp-plan-2-land-use-june-21.pdf/> The historic preservation policies are viewable on pages 47 through 49.

Policy L-7.1 is excerpted below, showing the program L7.1.1 that is currently underway with the 2023 Reconnaissance Survey. Program L7.1.2 is not underway though it appears as a goal for the upcoming HRB work program year.

HISTORIC RESOURCES

POLICY L-7.1

Encourage public and private upkeep and preservation of resources that have historic merit, including residences listed in the City's Historic Resource Inventory, the California Register of Historical Resources, or the National Register of Historic Places.

PROGRAM L7.1.1 Update and maintain the City's Historic Resource Inventory to include historic resources that are eligible for local, State, or federal listing. Historic resources may consist of a single building or structure or a district.

PROGRAM L7.1.2 Reassess the Historic Preservation Ordinance to ensure its effectiveness in the maintenance and preservation of historic resources, particularly in the University Avenue/Downtown area.



Policy L7.2 has been an important tool, enabling staff to require historic evaluations of buildings noted as potentially eligible in the 1998-2000 survey that are at risk of demolition. Due to Policy L7.2, staff removed the attached Bulletin from the City's website. Policy L7.2 states:

POLICY L-7.2

If a proposed project would substantially affect the exterior of a potential historic resource that has not been evaluated for inclusion into the City's Historic Resources Inventory, City staff shall consider whether it is eligible for inclusion in State or federal registers prior to the issuance of a demolition or alterations permit. Minor exterior improvements that do not affect the architectural integrity of potentially historic buildings shall be exempt from consideration. Examples of minor improvements may include repair or replacement of features in kind, or other changes that do not alter character-defining features of the building.



Policy L7.2 puts the onus on staff to consider whether the property is eligible for listing on the State or National register prior to issuing demolition or major exterior alteration permits. The City engages a qualified historic preservation consultant to evaluate and prepare historic resource evaluation reports (on the State's forms) directly for the City. The consultant also peer reviews evaluations prepared by other consultants directly contracted by property owners.

When applicants propose repair, replacement in kind, and minor exterior alterations that do not alter character-defining features of a building, the City is not obligated (according to Policy L7.2) to evaluate the building's eligibility for these historic registers.

2016 Historic Resources and Permit Review Requirements Bulletin

The 2016 bulletin categorized resources into Group A and Group B resources as follows:

Group A Resources

The bulletin describes a "Group A" historic resource as an existing property that is listed in the Palo Alto Historic Inventory, and which is subject to Historic Resources Board (HRB) review under the City's Historic Preservation Ordinance. The bulletin notes a "Group A" resource may also be subject to CEQA review and that "Group A" resources include historic properties that are *one or more of the following*:

- Listed in the City's Inventory as Historic Category 1-2; or
- Listed in the City's Inventory as Historic Category 3-4 and located in the Downtown Area; or
- Located in one of the City's locally designated historic districts, Professorville or Ramona Street.

Group B Resources

The bulletin describes a "Group B" historic resource as an existing property that was previously designated or formally evaluated, and which may be subject to CEQA review. "Group B" resources are subject to HRB review if CEQA review indicates that a resource may be impacted. "Group B" resources include historic properties that are *one or more of the following*:

- Listed in the City's Inventory as Historic Category 3-4 and located outside of the Downtown Area and local historic districts; or

- Listed in the National Register of Historic Places (NR) or the California Register of Historical Resources (CR); or
- Listed in the Palo Alto Historic Survey Update (Dames & Moore, 1997-2000) as NR-eligible or CR-eligible; or
- Previously determined CR-eligible through a development application review procedure.

Evaluation of Unevaluated Properties

The bulletin notes that a property that has not yet been evaluated or designated may qualify as a historic resource for the purposes of CEQA review. It states that, in the case of a development application being filed for certain properties which have not yet been evaluated or designated, a Historic Resource Evaluation (HRE) report to determine CR- eligibility *may be required* in order to complete a CEQA review. It notes that the City of Palo Alto may require an HRE report to be completed for an existing property if the property *meets both of the following conditions*:

- A “discretionary” development application proposes demolition, new construction, new addition, or other substantial exterior alterations; and
- The existing development on the property is more than 45 years old.

As noted, after the adoption of the Comprehensive Plan in 2017, with its Policy L7.2, beginning in 2018 the City has been performing case-by-case evaluations of each ‘potentially eligible’ (unevaluated beyond the windshield survey) property that appeared in the 1998-2000 survey that didn’t result in an ‘eligible’ or ‘ineligible’ determination at the end of that survey. The City has continued with evaluations of non-single-family residential properties as part of discretionary reviews such as the Architectural Review process, within the CEQA reviews.

Staff used qualified consultants to prepare historic resource evaluations, funded by the property owners who have expressed that they are considering demolition or wish to sell their home and have asked for a confirmed historic status. The report conclusions are either that the property is eligible or not eligible for the California Register of Historical Resources (CRHR). Staff has included the addresses of properties found CRHR-eligible in the annual Certified Local Government report, since 2018.

The properties determined eligible through this process will be considered by the HRB for nominations, along with the properties found eligible in 2000 for the National Register of Historic Places, for local listing on the City’s historic inventory. Council will make decisions on the nominations of eligible properties to Palo Alto’s local historic inventory. The community meeting and subsequent nomination process will proceed following the completion of the first phase of the 2023 Reconnaissance Survey. The City’s webpage for the project is viewable here: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Historic-Preservation/2023-Reconnaissance-Survey>

Ordinance and Past Proposed Ordinance Revisions

The City Council approved the current version of PAMC Chapter 16.49 in 1980. The existing ordinance allows properties to be designated without the consent of the owner. For properties

so designated, compliance with regulations is voluntary except that for some homes, demolition may be delayed (but not prohibited). Staff has not brought forward any proposals for ordinance revisions since 1998. However, as noted, review of the effectiveness of the existing ordinance appears as Comprehensive Plan Program L.7.1.2.

Around the time of the last survey (1998-2000), Council was considering amendments to add a residential incentives chapter to the existing historic preservation ordinance. The draft incentives were to be associated with alternative zoning regulations and special regulations and options for homes in floodplain areas and subject to natural disaster. The amendments were also written to provide for a new Palo Alto Register of Historic Homes based on owner request for listing, where only the property owner could nominate a home to the Register. The purpose of the proposed Register was going to be related to regulations guiding how incentives would be applied. The new Register was going to require owner request for listing and provide for mandatory compliance with regulations. The new Register was intended to initially list no properties until interested owners began to nominate their properties.

ATTACHMENTS

Attachment A: Review Process Bulletin

Attachment B: Palo Alto Municipal Code Chapter 16.49, Historic Preservation

AUTHOR/TITLE:

Amy French, Chief Planning Official

Historic Resources & Permit Review Requirements



- Historic resources enrich the quality of life in Palo Alto. They include buildings, structures, sites, and areas of historical, architectural, and cultural significance. The Planning Department groups historic resources according to the development application review procedures that apply. Some development projects involving historic resources are subject to review under the City's Historic Preservation Ordinance (Municipal Code Chapter 16.49) and/or the California Environmental Quality Act (CEQA), as explained further below and on the reverse page.
- For information on a specific property, please review a Parcel Report for the subject property, available at the City's website at <http://www.cityofpaloalto.org/gov/depts/pln/parcel.asp>, or request a Parcel Report from City staff at: Development Services, 285 Hamilton Avenue; (650) 329-2496; planner@cityofpaloalto.org.

What is a "Group A" Historic Resource?

A "Group A" historic resource is an existing property that is listed in the Palo Alto Historic Inventory, and which is subject to Historic Resources Board (HRB) review under the City's Historic Preservation Ordinance. A "Group A" resource may also be subject to CEQA review as explained on the reverse page. "Group A" resources include historic properties that are **one or more of the following**:

- Listed in the City's Inventory as Historic Category 1-2; or
- Listed in the City's Inventory as Historic Category 3-4 and located in the Downtown Area; or
- Located in one of the City's locally designated historic districts, Professorville or Ramona Street.

What is a "Group B" Historic Resource?

A "Group B" historic resource is an existing property that was previously designated or formally evaluated, and which may be subject to CEQA review as explained on the reverse page. "Group B" resources are subject to HRB review if CEQA review indicates that a resource may be impacted. "Group B" resources include historic properties that are **one or more of the following**:

- Listed in the City's Inventory as Historic Category 3-4 and located outside of the Downtown Area and local historic districts; or
- Listed in the National Register of Historic Places (NR) or the California Register of Historical Resources (CR); or
- Listed in the Palo Alto Historic Survey Update (Dames & Moore, 1997-2000) as NR-eligible or CR-eligible; or
- Previously determined CR-eligible through a development application review procedure.

When Does a Property Require Evaluation as a Historic Resource?

A property that has not yet been evaluated or designated may qualify as a historic resource for the purposes of CEQA review. In the case of a development application being filed for certain properties which have not yet been evaluated or designated, a Historic Resource Evaluation (HRE) report to determine CR-eligibility may be required in order to complete a CEQA review. The City of Palo Alto may require an HRE report to be completed for an existing property if the property **meets all of the following conditions**:

- A "discretionary" development application proposes demolition, new construction, new addition, or other substantial exterior alterations; and
- The existing development on the property is more than 45 years old; and
- The existing property is not a single-family residence in a Single-Family Residential zone. (A single-family residence in any non-Single Family Residential zone, or a non-single family residence in any zone, is subject.)

See the reverse page for application review procedures.



APPLICATION REVIEW PROCEDURES FOR HISTORIC RESOURCES AND PROPERTIES THAT REQUIRE HISTORIC RESOURCE EVALUATION



HISTORIC PRESERVATION ORDINANCE (PAMC 16.49) REVIEW PROCEDURES	CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW PROCEDURES
<p align="center">“GROUP A” HISTORIC RESOURCES</p> <p align="center"><i>See the reverse page for explanation of properties that qualify as “Group A” Historic Resources.</i></p>	
<p>Route any permit applications for exterior changes (including ministerial) to the Historic Resources Planner.</p> <ul style="list-style-type: none"> ➤ The Planner reviews the application for consistency with the Secretary of the Interior’s Standards for Rehabilitation* (“Standards”) and the Historic Preservation Ordinance. ➤ If the project is inconsistent with the Standards, or it exceeds the scope of a “minor exterior alteration” according to the Historic Preservation Ordinance, the Planner refers the application to the HRB. 	<p>Route discretionary development applications** for exterior changes to the Historic Resources Planner.</p> <ul style="list-style-type: none"> ➤ The Planner reviews the application for consistency with the Secretary of the Interior’s Standards for Rehabilitation* and potential impacts to a historic resource per CEQA. ➤ If CEQA analysis indicates that there may be a potential impact to a historic resource, the Planner refers the application to the HRB.
<p align="center">“GROUP B” HISTORIC RESOURCES</p> <p align="center"><i>See the reverse page for explanation of properties that qualify as “Group B” Historic Resources.</i></p>	
<p>Not subject to the review procedures in the City’s Historic Preservation Ordinance.</p> <p>(Only “Group A” properties are subject to review under the Historic Preservation Ordinance. For more information, see PAMC 16.49.050.)</p>	<p>Route discretionary development applications** for exterior changes to the Historic Resources Planner.</p> <ul style="list-style-type: none"> ➤ The Planner reviews the application for consistency with the Secretary of the Interior’s Standards for Rehabilitation* and potential impacts to a historic resource per CEQA. ➤ If CEQA analysis indicates that there may be a potential impact to a historic resource, the Planner refers the application to the HRB.
<p align="center">PROPERTIES THAT REQUIRE EVALUATION AS HISTORIC RESOURCES</p> <p align="center"><i>See the reverse page for explanation of when a property requires evaluation as a historic resource.</i></p>	
<p>Not subject to the review procedures in the City’s Historic Preservation Ordinance.</p> <p>(Only “Group A” properties are subject to review under the Historic Preservation Ordinance. For more information, see PAMC 16.49.050.)</p>	<p>Route discretionary development applications** for demolition, new construction, addition, or substantial exterior alterations to the Historic Resources Planner.</p> <ul style="list-style-type: none"> ➤ The Planner determines if a Historic Resource Evaluation (HRE) report is required in order to conduct and complete CEQA review. If a property is found to be eligible for the California Register of Historical Places, it is reviewed as a “Group B” historic resource.

*The Secretary of the Interior’s Standards for Rehabilitation are found on the National Park Service’s website at:

<https://www.nps.gov/tps/standards/rehabilitation.htm>.

**Discretionary development applications include: Architectural Review; Design Enhancement Exception; Home Improvement Exception; Neighborhood Preservation Exception; Single Family Individual Review;

Chapter 16.49 HISTORIC PRESERVATION*

Sections:

[16.49.010](#) Purpose.

[16.49.020](#) Definitions.

[16.49.030](#) Historic resources board.

[16.49.040](#) Designation of historic structures/sites.

[16.49.050](#) Exterior alteration of historic structures.

[16.49.060](#) Demolition of significant buildings in the downtown area.

[16.49.070](#) Demolition of contributing buildings in the downtown area and significant buildings other than in the downtown area.

[16.49.080](#) Maintenance of historic structures in the downtown area.

[16.49.090](#) Enforcement.

[16.49.100](#) Severability.

* Editor's Note: Prior ordinance history: Ordinance Nos. 3197, 3243, 3333 and 3523.

16.49.010 Purpose.

It is found that the protection, enhancement, perpetuation and use of structures, districts and neighborhoods of historical and architectural significance located within the city are of cultural and aesthetic benefit to the community. It is further found that the economic, cultural and aesthetic standing of this city will be enhanced by respecting the heritage of the city. The purposes of this chapter are to:

- (a) Designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Palo Alto;
- (b) Foster civic pride in the beauty and accomplishments of the past;
- (c) Stabilize and improve the economic value of certain historic structures, districts and neighborhoods;
- (d) Develop and maintain appropriate settings for such structures;

- (e) Enrich the educational and cultural dimensions of human life by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past;
- (f) Enhance the visual and aesthetic character, diversity and interest of the city;
- (g) Establish special requirements so as to assure the preservation and the satisfactory maintenance of significant historic structures within the downtown area.

(Ord. 3721 § 1 (part), 1986)

16.49.020 Definitions.

Throughout this chapter, the following definitions shall apply:

(a) "Downtown area" means that area of the University Avenue business district subject to Chapter 18.48 of Title 18 of the Palo Alto Municipal Code (the Zoning Code) and all zones within the geographical boundaries shown on the maps incorporated into Chapter 18.48, including planned community and public facility districts.

(b) "Historic categories" means those categories established to define and categorize the historic structures/sites on the historic inventory. Those categories are as follows:

Category 1: "Exceptional building" means any building or group of buildings of preeminent national or state importance, meritorious work of the best architects or an outstanding example of the stylistic development of architecture in the United States. An exceptional building has had either no exterior modifications or such minor ones that the overall appearance of the building is in its original character.

Category 2: "Major building" means any building or group of buildings of major regional importance, meritorious works of the best architects or an outstanding example of an architectural style or the stylistic development of architecture in the state or region. A major building may have some exterior modifications, but the original character is retained.

Category 3 or 4: "Contributing building" means any building or group of buildings which are good local examples of architectural styles and which relate to the character of a neighborhood grouping in scale, materials, proportion or other factors. A contributing building may have had extensive or permanent changes made to the original design, such as inappropriate additions, extensive removal of architectural details, or wooden facades resurfaced in asbestos or stucco.

(c) "Historic district" means a collection of buildings in a geographically definable area possessing a significant concentration or continuity of buildings unified by past events, or aesthetically by plan or physical development. A district should have integrity of design, setting, materials, workmanship and association. The collective value of a historic district taken together may be greater than the value of each individual building. All structures/sites within a historic district are categorized as significant on the historic inventory.

(d) "Historic inventory" means the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory, and the master list of categories for those structures or sites.

(e) "Historic structure/site" means any structure or site within the city which has been identified as having historic or architectural significance and has been placed on the historic inventory of the city of Palo Alto, including structures and sites within categories 1, 2, 3 or 4, and all structures within historic districts.

(f) "Significant building" means any building, group of buildings or site categorized on the historic inventory as number one or number two and all structures within historic districts.

(Ord. 3721 § 1 (part), 1986)

16.49.030 Historic resources board.

(a) Composition. The historic resources board shall be composed of seven members appointed by the city council and serving without pay. Members shall have demonstrated interest in and knowledge of history, architecture or historic preservation. One member shall be an owner/occupant of a category 1 or 2 historic structure, or of a structure in a historic district; three members shall be architects, landscape architects, building designers or other design professionals and at least one member shall possess academic education or practical experience in history or a related field.

(b) Terms of Office. Members shall serve for terms of three years and until their respective successors are appointed. Terms shall be staggered so that three positions are refilled one year, and four positions are refilled two years later. Commencing on October 21, 1991, there shall be one member whose term expires May 31, 1992, and one member whose term expires May 31, 1994. Subsequent appointments shall be made for terms of three years, or until their successors are appointed. Terms of office commence June 1.

(c) Appointment. In filling vacancies on the historic resources board, the following procedures shall be followed by the city council:

(1) Following notification of vacancy or pending vacancy on the historic resources board, the city clerk shall advertise the same in a newspaper of general circulation in the city, including the council agenda digest, two times within two weeks.

(2) Written nominations and applications shall be submitted to the city clerk within one week of the date of the last notice to be forwarded to the city council for its consideration. Notwithstanding the foregoing, if the nomination or application of an incumbent board member is not submitted to the city clerk within the period specified above, said period shall

be extended for an additional five days during which the city clerk shall accept written nominations and applications of nonincumbents.

(3) The Palo Alto Historic Association shall be given notice of vacancies on the board and shall be encouraged to have its members submit applications.

(4) The city council shall review all nominations and applications, and conduct such interviews as it deems necessary prior to selections.

(5) Final selection and appointment shall be made by the city council at a regular city council meeting after the period for submittal of nominations and applications has expired.

(d) Organization. The board shall hold meetings twice monthly or at the pleasure of the chairperson, and shall establish such rules as may be appropriate and necessary for the orderly conduct of its business. The board shall elect a chairperson and a vice chairperson from its membership who shall serve in such capacity for terms of one year each. The chairperson shall preside over meetings of the board, and in the absence or disability of the chairperson, the vice chairperson shall perform the duties of the chairperson.

Four members shall constitute a quorum and decisions of the board shall be determined by majority vote of those members present at the meeting. Action minutes shall be kept by the board.

(e) Duties. It is the duty of the historic resources board to:

(1) Render advice and guidance to a property owner upon the owner's application for alteration of any historic single-family or duplex building in the downtown area and any such building designated as significant elsewhere in the city.

(2) Inform the architectural review board of the historical and/or architectural significance of historic commercial and multiple-family structures in the downtown area and any such buildings designated as significant elsewhere in the city that are under review by the architectural review board. Submit recommendations to the architectural review board regarding proposed exterior alterations of such historic structures.

(3) Recommend to the council the designation of additional buildings and districts as historic.

(4) Research available information and add historical information to the inventory sheets of historic structures/sites. This inventory is maintained in the department of planning and community environment.

(5) Perform such other functions as may be delegated from time to time to the historic resources board by the city council.

(Ord. 5018 § 3, 2008: Ord. 4047 §§ 1-3, 1991: Ord. 3876 § 1, 1989: Ord. 3721 § 1 (part), 1986)

16.49.040 Designation of historic structures/sites.

(a) Procedure for Designation of Historic Structures/Sites or Districts. Any individual or group may propose designation as a historic structure/site or district. Such proposals shall be reviewed by the historic resources board, which will make its recommendation to the council. Designation of a historic structure/site or district must be approved by the city council. The procedure for such designation is as follows:

(1) Any proposal for designation shall be filed with the department of planning and community environment and shall include the following data:

(A) The address and assessor's parcel number of the site or boundaries of the proposed district;

(B) A description detailing the structure/site or district's special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;

(C) A description of the historical value of the structure/site or district;

(D) A description of the current condition of and any known threats to the structure/site or district;

(E) What restoration, if any, would be necessary to return the structure/site or district to its original appearance;

(F) Sketches, drawings, photographs or other descriptive material;

(G) Other supporting information.

(2) Each proposal shall be considered by the historic resources board at a public hearing within sixty days of the receipt of the proposal. In any case where an application for a planning or building permit affecting the exterior of a building is pending concurrently with a proposal for designation, the recommendation of the historic resources board shall be made within twenty days of receipt of the proposal.

(3) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, or by mail to the applicant, to the owner or owners of the property, and to the owners of property within three hundred feet of the site.

(4) The historic resources board shall recommend to the city council approval, disapproval or modification of an application for designation.

(5) The city council may approve, disapprove or modify a recommendation for designation and, in any case where an application for a planning or building permit is

pending concurrently with the proposal for designation, such decision shall be made within thirty days of the recommendation, if any, of the historic resources board.

(6) After approval of the designation of a structure/site or district, the city clerk shall send to the owners of the property so designated, by mail, a letter outlining the basis for such designation and the regulations which result from such designation. Notice of this designation shall also be filed in the building department and the department of planning and community environment files.

(b) Criteria for Designation. The following criteria, along with the definitions of historic categories and districts in Section [16.49.020](#), shall be used as criteria for designating additional historic structures/sites or districts to the historic inventory:

(1) The structure or site is identified with the lives of historic people or with important events in the city, state or nation;

(2) The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation;

(3) The structure or site is an example of a type of building which was once common, but is now rare;

(4) The structure or site is connected with a business or use which was once common, but is now rare;

(5) The architect or building was important;

(6) The structure or site contains elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship.

(Ord. 3721 § 1 (part), 1986)

16.49.050 Exterior alteration of historic structures.

(a) Review Process. All applications for a building permit for exterior alteration to any historic structure/site in the downtown area or a significant building elsewhere in the city, new construction on a parcel where there is currently a historic structure in the downtown area or a significant building elsewhere in the city, or such application for construction within a historic district shall be reviewed as follows:

(1) Review Bodies.

(A) Architectural review approval pursuant to [Chapter 18.76](#) (Permits and Approvals) is required for any historic structure/site in the downtown area and any significant

structure/site elsewhere in the city, other than single-family and duplex residences. The architectural review board shall refer applications to the historic resources board for a recommendation on the proposed alteration of the structure.

(B) The historic resources board shall review applications involving single-family and duplex residences which are historic structures/sites in the downtown area or which are significant buildings elsewhere in the city. Compliance of the property owner with the recommendations shall be voluntary, not mandatory.

(C) The planning staff may review and approve minor exterior alterations pursuant to guidelines which the historic resources board may adopt. Minor exterior alterations are those alterations which the director of planning and community environment or his/her designee determines will not adversely affect the exterior architectural characteristics nor the historical or aesthetic value of the historic structure, its site or surroundings.

(2) Time Limit. Recommendations of the historic resources board on alterations to a historic single-family or duplex residence shall be rendered within thirty days of the date of referral by the architectural review board or the chief building official. Failure to provide a recommendation within the time limit shall cause an application for a commercial or multiple-family use to be returned to the architectural review board, and a single-family or duplex application to be forwarded to the chief building official for consideration of issuance of a building permit.

(b) Standards of Review. In evaluating applications, the review bodies shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. The prime concern should be the exterior appearance of the building site.

(1) On buildings not in a historical district, the proposed alterations should not adversely affect the exterior architectural characteristics nor the historical or aesthetic value of the building and its site.

(2) In historic districts, the proposed alterations should not adversely affect:

(A) The exterior architectural characteristics nor the historical, architectural or aesthetic value of the building and its site; or

(B) The relationship of the building, in terms of harmony and appropriateness, with its surroundings, including neighborhood structures;

(C) Appeals. Any interested party may appeal to the city council the decision of the architectural review board not to recommend approval of an application for a building permit to alter the exterior of any historic structure in the downtown area, or a significant structure elsewhere in the city or in a historic district. Such appeal shall be processed in accordance with [Chapter 18.78](#) (Appeals).

(Ord. 4826 §§ 22, 23, 2004: Ord. 3721 § 1 (part), 1986)

16.49.060 Demolition of significant buildings in the downtown area.

(a) Permit and Findings. No permit shall be issued to demolish or cause to be demolished all or any part of a significant building in the downtown area unless:

(1) The city council determines that under the historic designation, taking into account the current market value, the value of transferable development rights, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal laws, the property retains no reasonable economic use; or

(2) The chief building official or the fire chief, after consultation, to the extent feasible, with the department of planning and community environment, determines that an imminent safety hazard exists and that demolition of the building is the only feasible means to secure the public safety; or

(3) The city council determines that demolition of the building will not have a significant effect on the achievement of the purposes of this chapter.

(b) Application for a Permit to Demolish. An application for a permit to demolish any significant building in the downtown area shall comply with [Chapter 16.04](#) of the Palo Alto Municipal Code. In addition to the contents specified under [Chapter 16.04](#), any application for a permit to demolish a significant building in the downtown area, on the grounds specified in Section [16.49.060\(a\)\(1\)](#), shall contain any appropriate and relevant economic information which will enable the council to make the necessary determination.

(c) Review of Application.

(1) **Historic Resources Board.** Applications which are accepted as complete for a permit to demolish a significant building in the downtown area on the grounds specified in Section [16.49.060\(a\)\(1\)](#) or (3) shall be placed on the agenda of the historic resources board for hearing and recommendation. If the historic resources board does not act on the application within thirty days of referral to it, the city council may proceed without a recommendation from the historic resources board.

(2) **City Council Hearing and Decision.** Any application for permit to demolish a significant building in the downtown area on the grounds specified in Section [16.49.060\(a\)\(1\)](#) or (3) shall be heard by the city council. Notice shall be given by mailed notice to all owners of property immediately adjacent to the property that is the subject of the application, and by publication at least once in a local newspaper of general circulation. The applicant shall have the burden of establishing that the criteria set forth in Section [16.49.060\(a\)\(1\)](#) or (3) has been met. The council may approve, disapprove or approve the application with conditions, and shall make findings relating its decision to the standards set forth in Section [16.49.060\(a\)](#). The decision of the council shall be rendered within thirty days from the date of the conclusion of the hearing.

(d) Permit to Move a Significant Building in the Downtown Area or in a Historic District. In reviewing an application for a permit to demolish a significant building in the downtown area or in a historic district on the grounds specified in Section [16.49.060](#)(a)(1) or (3), the historic resources board may decide that the building may be moved without destroying its historic or architectural integrity and importance, and may recommend to the city council that the demolition permit be denied, but that a permit to relocate be processed, pursuant to [Chapter 16.32](#) of this code. In that case, the time limits and notice requirements of Section [16.49.070](#)(c) shall also be applicable.

(Ord. 3721 § 1 (part), 1986)

16.49.070 Demolition of contributing buildings in the downtown area and significant buildings other than in the downtown area.

(a) Application and Moratorium. Any person wishing to demolish a contributing building in the downtown area or a significant building other than downtown shall file an application for a demolition permit in accordance with the procedures established by [Chapter 16.04](#) of this code. With the application, the applicant shall submit one clear photograph of the front of the building and such other information as may be required by the chief building official in accordance with the requirements for the demolition permit. A copy of the application and photograph shall be forwarded to the city council as an information item in the next council packet. The chief building official may not take action on the application for sixty days following receipt of a completed application.

(b) Referral to Architectural Review Board or Historical Resources Board. During the sixty-day moratorium, the chief building official shall refer the application for a permit to demolish to the architectural review board, in the case of all buildings other than single-family and duplex residences, for review and recommendation. The architectural review board shall refer the application to the historic resources board for recommendations on the historical and/or architectural significance of the building and the appropriate time for the moratorium. A demolition permit application for a single-family or duplex residence shall be referred to the historic resources board for recommendation.

(c) Council Action. The architectural review board, the historic resources board, or any interested person may recommend that the council extend the moratorium. The council shall agendaize such a request and may extend the sixty-day period for a period up to one year. In the case of an extended moratorium, the council, upon the recommendation of the historic resources board, may require that appropriate and reasonable public notice of the availability of the structure be provided by the applicant.

(Ord. 3721 § 1 (part), 1986)

16.49.080 Maintenance of historic structures in the downtown area.

The owner, lessee or other person legally in possession of a historic structure in the downtown area shall comply with all applicable codes, laws and regulations governing the

maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings designated as significant or contributory in the downtown area, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration, and shall remain free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure members of the public or property;
- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- (e) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- (f) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(Ord. 3721 § 1 (part), 1986)

16.49.090 Enforcement.

(a) Unlawful Alteration or Demolition.

(1) Violation - Penalties. It is unlawful for a person or entity to demolish or cause to be demolished any significant building or portion thereof in the downtown area in violation of any of the provisions of this chapter. Any person or entity violating these provisions is guilty of a misdemeanor and, upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

(2) Civil Penalty. Any person or entity who demolishes a building or causes a demolition in violation of the provisions of this chapter may be liable civilly in a sum equal to the replacement value of the building or an amount in the court's discretion, not to exceed ten thousand dollars.

(3) Injunctive Relief. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement in kind of any building or site demolished, altered or partially demolished in violation of this chapter.

(4) **Restriction on Development.** Alteration or demolition of a historic structure in violation of this chapter shall eliminate the eligibility of the structure's lot for any transfer of development rights, pursuant to the Palo Alto Comprehensive Plan, and such lot, if it is the site of an unlawfully demolished historic structure from which development rights have been transferred, shall not be developed in excess of the floor area ratio of the demolished structure for a period of twenty years from the unlawful demolition. A person or entity may be relieved of the penalties provided in this section if: (i) the unlawful alteration or demolition did not constitute a major alteration, as determined by the chief building official, or (ii) as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the building destroyed or altered. Such restoration must be undertaken pursuant to a valid building permit issued after a recommendation by the historic resources board and a finding by the city council that the proposed work will effect adequate restoration and can be done with a substantial degree of success.

(b) Failure to Abide by Maintenance Regulations.

(1) **Abatement.** The procedures set forth in [Chapter 16.40](#) of the Palo Alto Municipal Code governing unsafe, dangerous or substandard buildings, whether in commercial or residential use, shall be applicable to any violations of Section [16.49.080](#).

(2) **Misdemeanor.** It is unlawful for any person or entity to fail to maintain any building in the downtown area designated as significant or contributory in violation of Section [16.49.080](#). Any such violation constitutes a misdemeanor punishable as set forth in Section [16.49.090](#)(a)(1) above. Each day of violation constitutes a separate offense and may be separately punished. The chief building official and ordinance compliance inspector are authorized to exercise the authority in California Penal Code Section 836.5 and to issue citations for violation of Section [16.49.080](#).

(3) **Civil Penalty.** Any person or entity who fails to maintain any building in the downtown area designated as significant or contributory in violation of Section [16.49.080](#) may be liable civilly in a sum not to exceed one thousand dollars. Each day of violation constitutes a separate offense for which a penalty may be assessed.

(c) **Remedies not Exclusive.** The remedies provided by this section are not exclusive.

(Ord. 3721 § 1 (part), 1986)

16.49.100 Severability.

If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter are declared to be severable.

(Ord. 3721 § 1 (part), 1986)