



HISTORIC RESOURCES BOARD MEETING DRAFT MINUTES: September 22, 2016

City Hall/City Council Chambers
250 Hamilton Avenue
8:30 A.M.

Call to Order/Roll Call

Present: Chair Martin Bernstein; Board Members David Bower, Beth Bunnenberg, Patricia Di Cicco, Board Member Michael Makinen, Vice Chair Margaret Wimmer

Absent: Board Member Roger Kohler

Oral Communications

Chair Bernstein: Thank you. Alright, welcome, and I would like to start with any oral communications. If any member of the public would like to speak to us on any agenda item, not on the agenda, please let yourself be known. Seeing none.

Agenda Changes, Additions, and Deletions

Chair Bernstein: Moving onto agenda changes, additions, and deletions. Are there any additions, changes or deletions...

Ms. Amy French: None.

Chair Bernstein: Thank you.

City Official Reports

1. Meeting Schedule and Assignments

Chair Bernstein: City official reports, it says here meeting schedule and assignments.

Ms. Amy French: Yes, I would like to bring up a concern and a need for a special meeting. We do not have a quorum for October 13th, for an item that we need to bring back to the HRB. So far I have received a response from one board member that October 11th is the only day of the possible special meeting dates that we sent out as options. I'm wondering right now if those who are present can check, please, and get back to us today so we can know what we can do about this project. About October 11th is that a possibility. If you know now, you can...(Inaudible) Thank you.

Chair Bernstein: I'm conflicted out on that.

Ms. French: (Inaudible) and see if we can get three more members.

Female: And I am (Inaudible)

Ms. French: Thank you.

Board Member Bunnenberg: Sorry, I am available, Beth.

Ms. French: (Inaudible) We have a fifth member present. Mike, we were just on item 1, the official reports and I was checking in on the availability of the folks here for October 11th, which is a special hearing date. Can you confirm whether you are available that date?

Board Member Makinen: October 13th?

Ms. French: No, October 11th, which is...

Board Member Makinen: I don't like to think so (Inaudible)

Ms. French: Ok. We are having a hard time getting this project back to the board with conflicts. Thank you.

Chair Bernstein: Alright, thank you.

Action Items

None.

Chair Bernstein: Next, action items. There are none listed on our agenda today.

Study Session

2. Review and Recommendation to Staff on the Proposed New Historic Resources Review Bulletin. The activity is not a "project" subject to review per the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15378.

Chair Bernstein: Next, would be a study session. I'll read the agenda item. Review and Recommendation to Staff on the Proposed New Historic Resources Review Bulletin. The activity is not a "project" subject to review per the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15378. Shall staff have a presentation to us on this agenda item? Thank you. Welcome.

Mr. Mathew Weintraub: Thank you Chair Bernstein, HRB members and Council Member Holman. Mathew Weintraub, project planner. What I will be presenting to you today is the draft informational bulletin for Historic Resources Review which the department purposes as a replacement for the existing bulletin. Background to this project: In 2010 and 2011, City Council directed Staff to prepare materials that explained the review procedures for applications involving Historical Resources. In 2011, HRB and Staff did prepare and finalize the existing public informational bulletin that's included in your staff report as attachment 2B. So, that has been in place and used sense 2011 and that's the current bulletin that's in use. In 2016, which is really today, Staff is purposing a new and improved bulletin to replace the existing bulletin. I'll describe what's new and improved about it. I do want to just clarify that this bulletin does not make any changes to the existing application review procedures. This is a bulletin that is intended to, just clarify and explain the existing review procedures and policies that have been in place and that have been operating for years. Again, no changes are purposed to the review procedures. This is just, hopefully a better way to explain the information and clarify some information. The new bulletin is in draft form and it introduces a new classification system for resources, that's designed specifically for application reviews. This doesn't take away or effect any existing designations as National Register or California Register or contributors or anything of – or historic categories but it introduces the classification system just based on the review process that the department applies. It addresses properties that require historic resource evaluations as part of the application review process. In addition to the existing historical resources that are designated and evaluated, it does address historic resource evaluations as part of the process and when that is required. It does note that individual property data is available via parcel reports, either thru online or from City Staff. If anyone has a question about any particular

property and how it fits into this framework, that information is available to the public, either on their own or with Staff assistants. It includes improved graphics and readability. This new bulletin looks better than the old bulletin. Let's start with a description of how the bulletin operates. The bulletin describes Class A historic resources as essentially these are the resources that are subject to the HRB review under the local code. They include, and this is directly from the code, historic category 1-2 buildings, properties located anywhere in the City. Historic category 3-4 that are located in the downtown area as well as in historic districts but also including any property located in the Professorville, Romona Street locally designated districts. That really captures all the properties that are subject to review under the local ordinance. Class B resources are now not subject to review under the local ordinance but they are subject to CEQA review in cases where there is a discretionary application. These include the historic category 3-4 buildings that are located outside of downtown and in the local historic --or in the local historic districts. They include the National register listed and California register listed or evaluated properties. Either evaluated through the formal survey that the City conducted between 1997-2000 or through formal historic resources evaluations that occur as part of project reviews. All of those types of properties are considered historical resources and class B historical resources again subject to CEQA review. Now, for class -- the bulletin also includes detailed instructions on next steps for Class A historic resources because those are subject to HRB review. Any building permit for exterior modification is directed directly to Planning Staff, for review, on behalf of the HRB and then to be presented to the HRB if Staff determines that it's required under the ordinance. For class B historic resources, if it's a discretionary application that subject to CEQA, that application is routed to the historic resource planner for CEQA review. Those details are included in the bulletin. Those are helpful for both the public, homeowners, architects. As well as, Staff, just understand the basic process. A third category of properties are properties that would require a historic resource evaluation as part of a development review process. These would be subject to CEQA review. The conditions by which a historic resource evaluation is required and this is again based on existing practice and policy that the department has been implementing for years. It's essentially, if it meets all three of these conditions. If a project purposed to demolish or propose new construction, new addition or other substantial exterior alterations that require discretionary application review, so that is the first condition is it's subject to a discretionary application. Is the existing development more than 45 years old? Then the third condition is it an existing property that is either non-residential or multi families. So in other words, any commercial, industrial, institutional, or multi-family residential property or if it's an existing single family home that's located out of -- outside of single family residential zones. Which would indicate that it's sort of an outlier in the neighborhood. Which would indicate that it may have some historic potential, essentially. Properties meeting all three of those conditions are required to go through historic resource evaluation process and then the results of that are considered in the CEQA review process. The improvements of the new bulletin over the old bulletin. Again, it classifies properties according to the application review procedures. That's where we get the Class A - subject to HRB review, Class B -- subject to CEQA review, and when you require historic resource evaluation. The old bulletin, which is actually included in your packet there you can see, it groups resources in ways that don't actually correlate to actual review procedures. They are grouped in other ways based on whether they are in a district, they are not in a district but they don't really assist in processing an application. We feel that's an improvement. It does provide clear instructions on the separate review procedures for ministerial permits vs. discretionary permits and those go through a very different process but HRB review is involved in both of those processes potentially. It's a little complicated but it does more clearly address the difference between those two types of review, which the old bulletin didn't really do. It explains the conditions and procedures for requiring historic resource evaluation based on the current practices and policies, which the old bulletin didn't address. So, that is very beneficial information to the public, to property owners, to architects and it avoids using blanket statements that would forecast review outcomes. Where are the old bulletin tended to use these blanket statements like may be demolished or cannot be demolished, when in fact some of those decisions are made through the review process and through the Environmental review process. If they are subject to discretionary decisions. We need to acknowledge that there is a process for that to occur. That is reflected in the new bulletin. The next steps are to update this new draft bulletin to incorporate the comments we receive from the Historic Resource Board and then the department plans to finalize the bulletin and make the new finalized bulletin available for public use. Including at the Development Center and on the City's website. It would essentially replace the existing bulletin as the tool for -- to provide

information to people about historic resource review. Today we are seeking the HRB comments on all aspects of the bulletin. The appearance of the bulletin, the organization of the bulletin, classification systems, and if the HRB also wants to comment on the underlying practices and policies, this is also an opportunity to do that. As well as ask questions of Staff if anything is not clear about properties that are/aren't covered under the bulletin and that kind of thing. Staff is certainly happy to answer any questions you may have. That concludes my Staff report. Thank you very much.

Board Member Bunnenberg: Chair Bernstein?

Chair Bernstein: Thank you.

Board Member Bunnenberg: Chair Bernstein?

Chair Bernstein: Yes, yes Board Member Bunnenberg.

Board Member Bunnenberg: I should make a disclosure at this point that Nancy Huber and I were volunteer coordinators to do some of the basic legwork on Dames and Moore study. In other words, we had 50 or so volunteers and some of them volunteered to go out and photograph the property. Some of them did some other research based on maps that the City provided but both the deciding of what properties to even look at and the assessment of the potentially California eligible, potentially National register, was not at all a part of the work of the volunteers.

Chair Bernstein: Alright, thank you. Any other disclosures while we are on the topic of disclosures at this point. OK, seeing none and welcome Vice Chair Wimmer to our meeting and welcome Council Member Holman to our meeting. Right now I would like to – this is just a study session. We can just have questions for Staff on this or comments from the HRB. Board Member Bower.

Board Member Bower: Thank you, Chair Bernstein. I think is a good start but I think it could be a little simpler and I will – without criticism but just for clarification purposes. One of the things that I found complicated to understand and may be just my inability to understand this stuff. Is that in several of the – well in the – in what is a class A historic building, it says, "A class A historic resource includes properties that are." And then it has, first line, "Listed in the City's historic inventory as historic category 1-2 and located anywhere in the City." The and part and it goes on through all this document when you and or, I think that become confusing. I don't know why you couldn't just say, any listed building – listed in the City's inventory located anywhere in the City. I think in each one of these, the ands and the ors make it more complicated because when you put or in that suggests one or the other. Just going down to the very last – second to the last line under when does a property require evaluation as a historic resource it says, "existing property is nonresidential or multifamily residential in any zoning district." I would make that a period and then, "Another qualification or condition is the existing property is a single family residential." What you are doing there is sort of conflating to different ideas and for a person from say a Board perspective, we can kind of figure this stuff out but the whole purpose of this is to make it simpler and if your saying, all of the conditions below. Then just make it one condition per line. If they find that their buildings in that line, then they know that they qualify. The ors I guess—so my point is ands and ors are misleading and confusing. Otherwise, I basically like what's here. It seems pretty straight forward.

Chair Bernstein: Ok. Thank you. I'll have a comment. The first comment actually, that relates to this. On our second page in our packet, it said Palo Alto Historic Resources Board, it says write to us email the HRB at ARB email address. Should that be – Staff do you see that? (Inaudible) It says, write to us (Crosstalk)(Inaudible) It's the second page, second piece of paper. In the middle of the page, it says write to us. (Inaudible) That should be HRB I believe

??: Do we have an email address?

Chair Bernstein: Anyway, I just noticed that when I was looking through everything here. My other comment is the fact that Matt Weintraub mentioned the new bulletin does not purpose any newer change

application review procedures. I think that's good for consistency. I did try out this website that's noted on here and it's excellent. I just looked it up right now. Took a random property and it gives all the historical clarifications. I know that's relatively new website. The past, when I opened that up, many months ago, it would say the Developmental Center will get you something within 5 days and now it's instant. It's fantastic.

Male: What page is that on?

Chair Bernstein: That's on page 5 of our packet. There's a website right in the middle, under discussion. I think that's fantastic. My other question is under Class A historic resources, the second bullet. That's on page 6 of our packet. Class A historic resources, second bullet, it says, "Listed in the City inventory as Category 3-4 and located in the downtown area." My thought would be – or question or thought or suggestion is that downtown area should somehow be defined and when I look on this map, that we were given many many years ago. It looks like the downtown area might include between Alma, Webster, Forest and Lytton because they are South of Forest Avenue which is a somewhat designated area. I'm thinking that should be defined. (Inaudible) look on this map of CD districts, for example, that may be useful to define what downtown area is. I'm suggesting between Alma and Webster and Lytton and Forest. I do see the footnote on packet, page 6, on the bottom it says, "Which projects are subject to discretionary review." That's good information. I didn't check to see if there are anything in the proposed bulletin – will it list that same statement – I see, it's a footnote at the bottom of packet, page 11. The proposal would be that wording would be – that way it's it clear to a lot of people what's discretionary.

Mr. Weintraub: Yes, Chair Bernstein, thank you. Yes, that language is included in the bulletin, as that footnote. It is proposed to be included.

Chair Bernstein: Ok, Thanks. (Inaudible) My other comment is, look on packet page 11, under class B, historic resources on the right-hand side it says, under CEQA review procedures, it says, "Class 2 historic." That should probably be class b. The same question farther down on packet page 11, on the left-hand side, properties requiring evaluation, (inaudible) class 1 properties. That should be class a properties. The value, it just says Matt Weintraub was explaining how the new document is clearer than the existing one. I think I agree with that in the sense that, if you look on packet page 12, under properties classification, in the middle, there's the word "Project must be compatible with historic district" – in the middle there under discretionary application. Then on packet page 13, it says, "Must be compatible." Must be compatible. Compatible needs some kind of definition if it's going to be a requirement. I see the new document does not say must be compatible but that conversation would come up when the review happens. I think that's a lot easier to get people engaged in the process. My last comment is packet page 9, under next steps. It says, "Following will receive comments by the HRB and following any addition work. The department will finalize." My recommendation is that if any adjustments are made to this document based on our comments today, that it come before the HRB again before it gets finalized. Those are my comments today, thank you. Any other board members, comments or questions for Staff? A Pat.

Board Member Di Cicco: (Inaudible) There sorry. I think it would be helpful or maybe it is somewhere, where the actual boundaries of all of the areas are available. You brought up downtown area, well then there's the Green Gables and then there's this and then there's that. A lot of people, I don't think are very clear as to the actual boundaries. I also didn't – it's about the South of Forest, is this an area of particular interest in being reviewed by our board too? I didn't see that addressed. Is it not to be addressed by the board?

Mr. Weintraub: Thank you Board Member Di – chico –Di Cicco – I don't know why that is so hard for me.

Board Member Di Cicco: Di Chico is the Italian version, maybe that's what's...

Mr. Weintraub: Board Member Di Cicco. Yes, thank you. We do have maps of the downtown area. The historic districts. We didn't want to necessarily overload this bulletin with a lot of maps because that's a lot of data. All that data is actually available through the City's GIS system, which is available through the parcel reports. If any individual wants to know about a particular property, they go to the parcel report or they can order it from Staff and that will tell them if they're in the downtown area or if they are in one of the historic districts. Based on that information, there'll be an understanding of how they fit into this framework. As far as the South of Forest area, there are some particular review procedures, discretionary applications that occur later in the review process but those don't affect the initial intake. Which is really what this bulletin is meant to address, as the initial intake and routing in terms of the review process. This bulletin is consistent with the South of Forest processes, if you will, review processes.

Board Member Di Cicco: Thank you.

Chair Bernstein: Board Member Bunnenberg.

Board Member Bunnenberg: Another question, which is really kind of hypothetical at this point, is whether there should be any mention of possibly Mills Act Project properties. Are they fully covered (Crosstalk)

Mr. Weintraub: Thank you, Board Member Bunnenberg. Mills Act properties – any property that has a Mills Act agreement is a historical resource and would fit in this framework. They're covered.

Board Member Bunnenberg: Good, so that's covered. Just information, kind of thing, in terms of Dames and Moore, that report has always been available at the Archives of the City of Palo Alto and a number of the folders that were created, as a part of that study, are available in the Archives. There are some of the priority 2s that are not there. They are supposed to somewhere in the City's possession but did not get down to the Archives. For the public to know that those are available.

Ms. French: Could you clarify Archives, so what do you mean for the public? (Inaudible)

Board Member Bunnenberg: The Palo Alto Historical Association maintains the City's Archives and they are located in Case 7 at Cubberley, at the Cubberley complex. Back by the tennis courts.

Chair Bernstein: Board Member Bower

Board Member Bower: I read this as – I tried to read this as a person who knows nothing about historic resources because that's the purpose of the document. I got to a couple of places under – on page 11, under CEQA review procedures, it says, "CEQA analysis indicates potential impacted to a historic resource. The planner may refer the application." That's also repeated down in class B, may refer. I thought, well how would I know when that occurs and what's the standard for referral to the board or Staff only review? Is that something...(Inaudible) Well, I mean it just – wonder how that decision gets made?

Mr. Weintraub: Thank you Board Member Bower. So, under the current ordinances and codes. There's no actual requirement for board review for CEQA impacts for historical resources. This was meant to reflect Staff's ability to refer or recommend or seek comment from the board but rather than make it a mandatory statement, like the historic resource planner shall refer to the board. It's based on Staff's ability to make a decision to forward it to the board vs. a requirement under the code.

Board Member Bower: I understand what you're saying but that doesn't answer my question. It's like how do you decide that? Basically, you're saying, there is no requirement to go to the boards so wouldn't the owner be able to say, well there's no requirement for this. Where do you get the authority to send this to the board, which means that it's a much more expensive review?

Mr. Weintraub: Thank you, Board Member Bower. Also, under the ordinance for architectural review applications. An architectural review application that involves a historical resource, the ARB could seek the HRB advice in that situation. I think one of the criteria, for when it certainly would be referred to the HRB is when there's a discretionary application, an architectural review application going to the ARB that would or perhaps even Staff level ARB, Staff level architectural review. That also indicates there might be an impact to a historical resource. That would be a certainty that Staff would, at that point, involve the HRB because it's codified as the HRB supporting the architectural review boards review in that instance. That would be an instance where it would defiantly occur. I think other instances are open to Staff's discretion.

Board Member Bower: I'm still the innocent homeowner who doesn't really understand when it goes there but I hear what you're saying. On a different note, I'm sure the City has Professorville historic district map, I've seen it and it seems to me you could use hot buttons in this document online. When it says Professorville, if that's highlighted and you click it on it. You could get to the map as Pat was saying. That would be a really fast way for people to see that information. I'm sure somebody will figure – already thought about that but it just occurred to me. Thanks for the hard work on this. I think – even though we have created two new categories, we took 4 categories and made them two classes. It does to some extent make it simpler to understand. By adding another layer.

Mr. Weintraub: Thank you Board Member Bower. Regarding the language, you were discussing, in terms of the CEQA review. Do you have a suggestion or a requested revision that we might make? In other words, do you want to clarify there be certain standards or would the board prefer that it say the planner will refer the application to the HRB and make it a standard? I think we kind of want to hear what the board's preference is for those review processes.

Board Member Bower: If I can follow-up on that. When I hear the word may, that seems to be – I don't know what the right term is but it's not clear. Obviously, from what you – your explanation, you can't say the planner will do this because there is no evidence that would always be the case. Maybe an asterisk after the "may", that says, certain circumstances like ARB review requests HRB – you know just the things you said. These are the types of circumstances that can trigger a board review and at least that gives an applicant the sense that, oh my little house in Professorville isn't going to get a board review because we want to add a room on in the back or something. They get some sense of where – what would drive that extra step to a board review, that's all.

Chair Bernstein: I do see Board Member Bower, on the – in that same box you're referring, right in the top, it does say, it's for discretionary review and then the asterisk does bring us down to the bottom of the page. I think the last thing you just mentioned, I think that box already addresses that comment of saying when it's required. So, there is a discretionary.

Board Member Bower: I understand that from our perspective but I'm trying to read this from the perspective of somebody who doesn't know discretionarily is. (Crosstalk) I get it. You're right in that sense. Maybe it's redundant.

Chair Bernstein: I'm in favor of the may because even when you're sailing a ship, the may change and something else happens or project was not historic, it is historic or isn't or becomes non-historic after – for some reason. I think the flexibility -- again, the discretionary laws are there. I mean, that's just my comment on the word may. Board Member Makinen.

Board Member Makinen: Thank you Chair, Martin. When I look at the second block up here, class B, on page 11, class B historic properties. The middle block right there says, "Class 1 properties." Is that really class A? (Inaudible) Should be Class A. (Inaudible) Same with the next paragraph, Class A. The other comment I would say. If this is being reviewed by the public, it would probably be desirable to have a glossary of all these terms that we use here. It's on the bottom Home Improvement exception, neighborhood preservation exception, some type glossary where people can get a quick interpretation of what all those terms mean. Ministerial, discretionary, because a lot of people aren't really that familiar

with it and you through all these terms out there. It just adds more confusion if they don't have a guide on what these mean.

Mr. Weintraub: Thank you Board Member Makinen. I believe that would probably be best done under a separate bulletin describing what discretionary application are because that goes beyond historic resource reviews. That goes into a general understanding of what's discretionary and what's not. That might occur on a different type of bulletin. I think that information is also available in the code and at the developmental center in terms of general... (Crosstalk)

Board Member Makinen: Why not put is altogether right here? Why make it more difficult for a person that is trying to use this as an aide?

Ms. French: I have an idea, that in that asterisk footnote that we could have a live link to the chapter that talks about all those processes or all but –except the design review process, are contained in one chapter. So people could open that and say, oh, that's what I'm doing a mixed-used project, I have to go through architectural review. This kind of thing...

Board Member Makinen: Yeah, we are trying to make this user-friendly not make it a challenge for people to those through these things and interrupt them. Anything you can do to make it easier to interpret for the public looking at it would be a benefit.

Board Member Di Cicco: May I make a comment about just CEQA. I think it's highly not understood by a great majority of people. I've been involved with a couple of things down in San Diego County and it comes as quite a surprise to people, you know a negative declaration, a blah blah blah mediated. I don't know if that is on the website but a sort of laymen's explanation of just – CEQA can be involved in all these projects. It's rather a really important thing that I don't think most homeowners even aware of. It's kind of like the Mills Act too. They're not really aware of what are the rules of engagement to be on a Mills Act contract. It isn't just that you own an old home. It goes way beyond that but I think CEQA is mentioned in here so frequently that some kind of definition of it would be very helpful instead of saying, well should I go home and google what CEQA really means and it's still complicated.

Mr. Weintraub: Thank you Board Member Di Cicco. I think that there are handbooks and books about CEQA and the regulations are quite vast. You know, this bulletin can't necessarily explain all the separate review procedures and codes that are out there. Can't explain all the discretionary review procedures. It cannot explain all the preservation incentives available to property owners. It can not necessarily explain everything about the California Environmental Quality Act. What it can do, is tell people when they need to look into those things and that's really the whole purpose of this bulletin is to get people started on those things. I think all the Board Members are very correct in that these are complicated codes and there are separate codes that have to somehow work together and those don't necessarily create easy systems to navigate and that's why we have the and/ors and that kind of thing. The fact is the codes are complicated in and of themselves and we can't make the bulletin simpler than the codes are because you wind up with, what we now have is the 2011 bulletin, which basically skips over things and misrepresents processes, to be honest. By trying to make them simpler. The fact is, they are not as simple as they should be or as simple as people want them to be but this is probably as pretty close as we can get to explaining it simply and concisely at least to get people going. People are going to have to google things and look into them more if they don't already have some experience in them. That is true. Thank you very much.

Ms. French: I would add to that, the earlier suggestion for hotlinks or live links. I think we can do a lot with that because this going to be online. To the extent that people open this up online, the word CEQA can certainly link to another document that says, yeah guess what this means.

Board Member Bower: I think that's a great way to let people know what these terms means because you can make each one of those words a link to whatever and it's like reading a newspaper article now online. I read more about an issue from the links, which can go backward or forwards or tangentially to

the discussion. It's very fast. I presume most people who use this are going to use it online. Everything we are distributing pretty much in the City now is an online document. Anything you can do to put those – now you don't have a big glossary of terms.

Chair Bernstein: Vice Chair Wimmer.

Vice Chair Wimmer: I wanted to bring up a previous conversation we had about the categories 1 through 4. In one of our study sessions, we talked about the categories. We talked about the meaning of the categories. Some of us thought that we only need two categories. Some of us thought keeping all four categories – I mean there was some discussion about that and it seemed like we hadn't really resolved all of our opinions on that, at the time that we talked about it. I know that those categories are heavily referenced in this bulletin. Should we – and this kind of locks us into keeping the existing categories which I think are fine. I just wanted to bring up that comment that we talked about the categories at one time and discussed possibly revising the meaning of the categories. I guess with this layer, I think all information is good if it helps people navigate and determine what their properties identification is. So for instance, all Category 1 and 2 would be – they would be considered Category 1 Class A, right? Because Categories 1 and 2 are not considered Class B. I'm just saying that's another way to identify it. I wanted to bring up that. That we hadn't quite resolved the use of the categories. I wanted to ask on page 12, at the bottom left box it says, a refers to properties in the CD district. What is – I wasn't sure what the CD district was? (Inaudible) Ok, you could spell that out. The com...(Crosstalk)

Mr. Weintraub: Yeah, thank you Board Member Wimmer. That's the old bulletin. We're not purposing to...

Vice Chair Wimmer: Oh ok, sorry.

Mr. Weintraub: ...that's Attachment B. That's 2011... (Crosstalk)

Vice Chair Wimmer: This is the old one.

Mr. Weintraub: If I could Board Member Wimmer thank you for your comments. Excuse me, Vice Chair Wimmer. Just to let you know that this bulletin doesn't lock anything in. This is just a reflection of the existing codes and regulations and if there were amendments to the codes and regulations, we would immediately update the informational bulletin based on that. I think the board's discussion and recommendations on category buildings and the concept or the categorization of those in the code. That can be -- ultimately that recommendation can be forwarded to the City Council for their consideration and ultimately if the Council wants, they could amend the code to do that. If that were to occur, we then would adjust the bulletin. Just want to be clear the bulletin doesn't lock anything in. It's just a description of current practice and policy. Thank you.

Vice Chair Wimmer: (Crosstalk) Are all the properties that are identified as historic in nature, are they assigned to categories at this point?

Mr. Weintraub: Yes, they are. Oh, I'm sorry. Pardon me for interrupting. I just want to clarify. They're assigned necessarily a local inventory category, they're National Register, California Register listed and evaluated properties that are not in the local inventory and are not assigned to historic "categories" under the code. All historic properties fit into a class under this bulletin though for review. If that's your question, all the known historic existing historic properties are covered under this bulletin.

Chair Bernstein: Board Member Bunnenberg.

Board Member Bunnenberg: Just for clarification, we have two districts that are Eichler districts and this is a thing that was not considered – well they weren't 50 years old when most of our inventory was done. Just to clarify are those districts now included in this categorization?

Mr. Weintraub: Thank you Board Member Bunnenberg. The answer is yes. The Green Gables and Green Meadows national historic districts are considered class b, historic resources under this system because they are not listed in the local inventory. So, they are not subject to the HRB review, so they are not class a. They are subject to CEQA review and properties within those districts are subject to CEQA review in the case of discretionary applications. So, that makes them class b, historic resources.

Board Member Bunnenberg: (Inaudible) just further clarification on just a broad idea what CEQA was and is. It's about quality of life issues and it includes clean air, clean water, and the fact that saving some of these historic properties adds to the general public's quality of life. I don't know whether we would want a statement like that or is that a little bit too general.

Mr. Weintraub: Thank you Board Member Bunnenberg. That's a very helpful suggestion to include some type of language like that. You make see that at the top of page 10, which is the first page of the bulletin, we have a little box of information. Sort of an introductory, you know what is a historic resource, that might be an area within which we can include some of that similar language. In terms of why historic resources are important to the environment and the quality of life. Thank you very much.

Chair Bernstein: I have one question on the, for example, the discretionary review of a home improvement exception (HIEs). Whether its class a or class b, that doesn't preclude an applicant from applying for a HIE, for example. The codes aren't changing.

Mr. Weintraub: That is correct, Chair Bernstein. There's no change to the code. This doesn't limit anyone's ability to apply for any type of permit (Crosstalk) or change any review process.

Chair Bernstein: Perfect. Good. Also, there're some properties that in 1998 were deemed, for example, deemed to be a category of contributing residence. There're some properties there noted on the City's website for the parcel, deemed potentially eligible for CRHR, that's California Register of Historic Resources? The City's record on that property says, deemed potentially eligible for CRHR in 1998. Would that qualify as a category b historic resource that says, "Previously determined eligible for the California register through a development application review procedure?"

Mr. Weintraub: Thank you, Chair Bernstein. I believe you are referring to two different types of properties in your question. First question was about contributing properties designated as contributing in/around 1997-1998. I believe that was under an interim historic preservation ordinance, which allowed for interim designation while review processes were occurring. That ordinance, the interim ordinance was ultimately, did sunset. So it's no longer in effect and all the designations that went with it, also sunsetted. Any properties that were at that time were looked at as contributing, really would be back too square one. In terms of, if they are National register listed now, then they are National register listed but if they're not or not on the local inventory, then they are probably not considered historic. That was the interim ordinance and the designations under the interim ordinance. Then the survey itself – so the ordinance actually sunsetted when the survey was completed. When the survey was completed there were a number of properties that where determined eligible for the National Register and then there was a larger number of properties that were indicated as potentially eligibility for one of the register or another register. That is not in evaluation. That is not a final determination of resource eligibility. Those properties are not considered class a or class b under this bulletin because that cannot be looked at as a final determination of eligibility. In some cases, some of those properties would fit into the third category, which is properties that require evaluation if they met the conditions that were outlined for when a historic resource evaluation is required. That's the – I think that's the answer to your question.

Chair Bernstein: If a property owner has documentation of what happen in the interim, at least that might become some evidence if the applicant wants to continue to reapply for historic designation of some level. What that property owner received during the interim ordinance may be documentation saying, well here's a report, how does the City look at it today.

Mr. Weintraub: Yes, thank you, Chair Bernstein. I think that I would agree that any property that had been designated as contributing under the interim ordinance; today if that property owner wanted to come forth and say, I would like a permanent designation as historic, that information would certainly support looking at it as historic. Then we can make a final evaluation at that point.

Chair Bernstein: Great. Thanks for that. There was another comment that you made during your presentation about improved graphics or whatever (Inaudible) I'll suggest that the work on that front continue. When I look at these two pages, there are 4 or 5 different types of type. There's different kinds of boarding, stuff like that. So I know there's good work done in the draft Professorville guidelines booklet for readability and friendly to the eyes, and stuff like that. I would suggest some work be done – rather than having this be what the format is – work on spacing, topography, and all that stuff. (Inaudible) Board Member Bower.

Board Member Bower: So I'm reading over on the bottom of page 11. The discretionary development application to include but are not limited – are not limited to and then they list these things. What's not – what else, what else would be included besides those specific things?

Ms. French: With the phrase but not limited to allows us to, let's say a planned community application comes in and wants to revise the planned community. We have a rezoning process and that would be – it's more of a legislative process but it also is discretionary. We just aren't listing it here because PCs are no longer PC if you know what I mean.

Board Member Bower: They are no longer PC. Wouldn't that fall under architectural review?

Ms. French: If there were changes to the – physical changes, yes. If it was a (inaudible) change...

Board Member Bower: So anytime, I'm sorry, anytime I see that but not limited to, the first thing I think about is ok what are they not telling me. I know whys it's there. It's in case you miss something in these other...

Ms. French: By defining discretionary development applications. I mean, there are other discretionary development applications that have nothing to do with buildings or something like that...

Board Member Bower: Historic resources.

Ms. French: ...tree removals, that's not going to come to the Historic Resources Board. These were listed with the intent that these are the types of project that the HRB might see. There are other discretionary applications in the world and in our code that we don't list.

Board Member Bower: But it's not limited to these. That's my point. So what else...

Ms. French: We can change the wording to say, discretionary development applications the HRB might be involved in, reviewing include. (Crosstalk)

Mr. Weintraub.: Thank you, Board Member Bower. I think perhaps an easy fix is just eliminating but or not limited to. Discretionary development applications include and then the following. I think that simplifies the language and sort of the spirit your advising us earlier.

Board Member Bower: I'm sorry, I don't mean to be ultra-critical of this but just trying to, really trying to make it simpler, that's all. Thank you.

Chair Bernstein: Board Member Makinen.

Board Member Makinen: I agree with that thought, right there, that David put forth. That it does imply something is going on perhaps under the counter that the applicant is not aware of. I think it's more straight forward, an honest statement.

Chair Bernstein: Any other comments, questions from the board.

Board Member Di Cicco: I have a...

Chair Bernstein: Yeah.

Board Member Di Cicco: I think a bit more minor than what we've brought up. I find it kind of confusing on page 7. This is the list of properties that may require evaluation, that paragraph. In the three bullets there, how does one determine what is the existing property in a nonresidential multi-family residential in any zoning district or existing property in a single family residential in a nonsingle family residential zone? How do you determine where that problem might exist or resource? Is that a zone that is defined also? I mean, can be identified?

Mr. Weintraub: Thank you, Board Member Di Cicco. Every property is either a residential property, a multi-family residential property, a commercial property, industrial, institutional. It's either located in one zoning district or another zoning district. By looking up a property, the information on a particular property, you then know this is a single family residence in a single family zone or this is commercial property in the downtown commercial zone for instance. Based on that, you then match it up to that statement. The existing property is non-residential or multi-family in any zoning district. Ok, that includes the commercial building in downtown. Or the existing properties single family residential in a non-single family residential district. This is a single family, in a single family zone. Well, it doesn't meet either of those conditions. It's meant to basically provide the filter through which we determine what properties are requiring the evaluation. It does require some information upfront on the particular property and that's where you can get that information through the parcel report that's available for any individual property. Either online or from City Staff. (Crosstalk)

Board Member Di Cicco: (Inaudible)

Mr. Weintraub: Starting point for someone would actually have the parcel report in hand and understand what the property they are looking at and then to kind of match it up through this framework and step through.

Board Member Di Cicco: Would this be – I know they do it in Santa Clara County, down in San Jose, but looking at it. It's really residential but this the particular block is zoned R2 or this block is near more commercial so it's a residential property that has been zoned commercial. Would that show in the parcel report?

Mr. Weintraub: The Commercial district would show up in the parcel report. There's usually information about the existing property its self, existing use. There's usually information about the existing property itself, the existing use. The existing use may or may not be the historic use. You also just have to have a basic understanding of the building in front of you. The parcel report may say, it's in a commercial zone and it's being used for commercial use now, may have actually been built as a single family house. So, one has to understand what the actual physical property type is and that may involve actually looking at the building.

Board Member Di Cicco: Thank you. That's confusing.

Chair Bernstein: Are there any information, additional comments the Staff would like to ask. Council Member Holman do you have a comment, yeah. Welcome.

Council Member Holman: I think it's always tricky when anyone undertakes a project to try to simplify something. Especially when it has complications to it. That said, I have several comments and one is. I'm a little surprised no one took offense at the class a, class b listings here. It seems like we could do something much more simple. Let's just suppose that everyone agrees that these categorizations but it could be list 1, list 2. Class B includes properties that are listed on the National Register. I'm a little shocked at that. It's a Class B property on this list and no one brought that up. List 1, list 2 or something like that but Class B. I mean office space for instances is categorized by how it's classified and it's classified in its rankings, it's a ranking. List 1, list 2 doesn't necessarily rank it but class a class b from my perspective ranks the properties as important. This is a CLG City, I'm just rather shocked that we would put national registered properties on Class B.

Ms. French: I'll just say, Matt had originally prepared this calling them tier one and tier two. This was a decision to go with Class A, Class B. There's choices.

Council Member Homan: I have other comments – but you know – if I – a couple of you may actually own National Register – anyway – I would be insulted if I owned a National Register which I wish I did. I did say and I think there have been good comments made about clickable maps and that sort of thing. I think those are all really helpful. I do note in here that CEQA is used a lot but it isn't ever spelled out California Environmental Quality Act, so it doesn't give an indication – I mean you know we are all pretty easy in (Inaudible) use of acronyms so not a criticism. At least that tells people like this is not a Palo Alto thing, this is a state requirement and it seems like a very very simple explanation of what a cultural resource is. Might be helpful in describing what the CEQA requirement would be for reviewing these. This is beyond the scope of this. There's still a study session that early in the year, the HRB was wanting to address several different topics, probably including what Board Member Wimmer brought up, about the categories 1 through 4 and the antiquated notion of 1, 2, 3, 4 categorizations but that study session has still not happened. It seems like it would be an easy conversation to have. Even just to bring up the issues and discuss them and put forth something that extensive Staff work. I've never understood, never gotten a good answer and there's not a City attorney here. Why when there is discretionary, and again I agree with some definition of what discretionary means. Why a single family home or property that's potentially eligible by California Register, so it's already been identified as a potential. Why a single family home that's going through an individual review for instances that's a discretionary application, why there isn't a HRE required? I have never understood that. Meaning, I never understood why that is consistent with CEQA. Again, we are CLG City. Page 11, talks about under class a, which I've already commented on that, historic resources. I think it gets confusing here because, under the first box on the upper left, the plan is reviews for applications are consisting with the Historic Preservation Ordinance standards for review. Other places it refers to the secretary standards. I don't know if it's simpler to just refer to the secretary standards or do a slash in secretary standards, something of that notion because we have seemed to lose the notion of the secretary standards on the second page mostly. I thought the comment was good about (inaudible). Yeah, you can't cover everything in a bulletin like this but I think having references to those and saying, you know, referring them to the code section I think would be helpful because it is a specific and different process. I appreciated Board Member Di Cicco bringing that up. It seems to me when I looked at –when I looked at attachment A compared to Attachment B, it seemed that there actually is a different in process because on Attachment B, page 12. It has in the first box, it says, "property classification" and it lists City inventory properties, you know all 1, 2, 3, 4. Deemed eligible for National Register, deemed eligible California Register, in contributing (Inaudible) and it has discretionary applications in the right-hand box. It says, "historic review required. Project must comply with the secretary standards." That seems to be different than what's in the purposes. It seems like because under the second category here. It says – you know on the second category on page 11. In the second category includes the National register and it says, "Only Class 1 properties are subject to review under the Historic Preservation Ordinance." That's true but it doesn't – I don't know – It seems like it weakening what the review processes are. It seems like it is a change. I don't know maybe Staff can comment on that but it seems weakened.

Mr. Weintraub: Thank you, Council Member Holman. This is an example where the old bulletin does not accurately describe the required review process. Category 3 and 4 building located outside of downtown

and outside of districts are not subject to HRB review. The statement is not correct that historic review is required and that projects must comply with the secretary of the standards. The fact that statement is not correct at all in terms of discretionary applications because there is a decision that gets made. There's not a required outcome. That's an example where the current bulletin accurately describes the required review processes whereas the old bulletin, unfortunately, does not. There is no change to the existing review processes or practices or procedures. There's a change to the bulletin so that the bulletin accurately describes those. Thank you also for your comments regarding the nomenclature of class a, class b. We did look at many different terminology, tiers, and types. We do not want to project a ranking system. That's absolute not what we are trying to do. This is based entirely on application review procedures and trying to give an understanding to the public and to homeowners and Staff on how to move the applications through the process. We understand that is very important to the public so we will certainly go back and look at the nomenclature to avoid any kind of ranking system that might be implied by this. We certainly not trying to elevate or subjugate any properties above or below any other. We are simply trying to follow the codes and the requirements of the regulations. I am not sure if you had one other comment – oh, oh, your comment regarding properties when they require historic resource evaluations. I think this is really just explaining a practice that has been in place for some time in the department. I think perhaps it's a broader discussion of how that policy is developed. That certainly can occur.

Council Member Holman: It would be great if that practice maybe came back to the HRB for discussion because again I've never really understood. Even if whether it's compliant with CEQA or not. I thought I have one other comment here. I do have a question. Will this go to the Council?

Female: No.

Council Member Holman: Ok.

Ms. French: I would say if the HRB refers questions such as can the Council consider directing Staff to modify the code so that there is no longer category 1, 2, 3, 4, there's something else. Absolutely, that would go to Council.

Council Member Holman: Ok. I was just wondering if there was an and this comes from people who live in Professorville. Many comments that I've received, some of which –one of which at least or a couple I've forwarded onto Staff, if there could be some clarification about minor exterior alterations. I'm referring to projects that have happened that have not gone to the HRB and Matt will know what I am referring to at least. Where front facing windows have been replaced and street facing windows, that are not on the front of the house but are street facing and is that really minor, given that windows are major character defining features? So, I guess that's a question for the HRB. Just personally I think it needs a little cleanup and clarification, hopefully, it will come back to the HRB and ill reiterate the list 1, list 2 for instance cause class a, class b does create a hierarchy. I'm just having a hard time understanding how people wouldn't read it that way. As Class B, being inferior to Class A.

Board Member Bower: Martin, maybe it could be Group 1 and Group –actually you can't use 1 because you have categories. Group A and Group B, I mean, I hear what you're saying. Class by near definition of the word is a ranking.

Chair Bernstein: In nomenclature and American cultures, a lot of words have some suggestions of meaning. For example, you hear about the – this is a Class A office space. That means it's a notch above something else that's not Class A. Some countries don't use, they use icons so category horse, category star. Just to get rid of any association with the category. So it is a challenge in our culture for sure. There's a light on from Beth and also – Beth go ahead, please.

Board Member Bunnenberg: Yes, I also see this and am trying to think of it as going into the future. A great deal of our ordinance and system at this point really was more focused on architecture. I can foresee there will be times and we've already lost some, that were very vernacular buildings or little

houses but a very important person or event happened in that house. Both the National and the State see those as important components. I am wondering if we have included an enough language to strengthen that?

Mr. Weintraub: Thank you Board Member Bunnenberg. The existing Class A and Class B, well what's determined as the first – the two groupings that we have currently identified, of currently designated properties and evaluated properties. They do include architecture resources as well as resources documented for their historical significant. That's reflected in the existing historic resources evaluations. In terms of properties that require historic resource evaluations; is one criteria for looking at eligibility for the California Register. The other criteria do involve important historic associations with persons or events. Those would be considered, at that time, for any property that's being looked at under the framework of does this property require historic resource evaluation at this time. The full criteria for the California Register would be looked at and considered. Including historical significant.

Board Member Bunnenberg: Important to let the public know in this kind of bulletin or you think not?

Mr. Weintraub: This bulletin doesn't present detailed description and eligibility requirements for historic resources so, that would probably be departing a little bit from the purpose of this bulletin. Thank you though.

Vice Chair Wimmer: I had an idea for instead of using the word class, we could use either Requirement A, Requirement B or Application Type A, Application Type B. Just my thought on that. I do see that in each of these the class b or just the two options here. I think it is reassuring that it says that after the Staff reviews it, upon the review they might send it to the HRB review. So then it – they are kind of recategorizing it as a class A, in both of these scenarios. If a category 3 or 4 property comes up with an application and Matt or whoever reviews it. He might say this is a significant resource, you need to go to HRB. There is sort of a – it doesn't completely fall through the cracks. I think the residual result of this, I think is just less projects that come to the HRB. I guess is that a positive thing or not a positive thing. This process, a lot of things will not be presented to us. Lastly, I wanted to go back to those categories again because the Category 3 and 4 properties go to the class B application process. I'm still not clear about – I think there's maybe some class – Category 3 and 4 building that are significant. I don't know I keep thinking about that, that 1, 2, 3, and 4.

Mr. Weintraub: Thank you Board Member Wimmer. Excuse me Vice Chair Wimmer. Those are great comments. Regarding that language in terms of planner may refer to the HRB. We've conferred briefly and determined, we can probably simply make the change from "may" to "will". I mean every instance where there appears to be a significant impact to a historical resource that might occur. We would, at that point kind of clarify it would be Staff's policy to always forward that to the HRB. Whether it's the first grouping resource or a second grouping type resource. Also, just to clarify also that property determined to be historical or qualifying for historic resources through historic resource evaluation. Would then be considered part of the second grouping of properties at that point because they would have a historic resource evaluation identify significant. So, then they move up to that next grouping. Under this bulletin, this bulletin again doesn't change any review processes or application procedure so the same applications that would go before the board now would go before the board if this public information bulletin was out there. Staff wouldn't be doing any more or less administrative review. This doesn't really effect any of that. It maybe just clarifies when that process would occur, I think. In terms of the category 3 and 4 buildings. We do understand that the board has commented several times that their not comfortable – that there are some category 3 and 4 buildings in the city that aren't subject to the same review processes as other buildings. Again, to change that would require an ordinance change and so this again reflects current ordinances and regulations. This can be changed to reflect any changes that may occur in codes or ordinances as well. Thank you.

Chair Bernstein: Council Member Holman.

Council Member Holman: A question and I appreciate the question by Vice Chair Wimmer. Would it require an ordinance change or what if the City – so the Council this year added three different buckets of money to the planning director's budget? One of them was having to do with, not specifically but generally, with things having to do with architecture and review. Those included like the Eichler Overlays that people were wanting. The Professorville design guidelines, that sort of thing. It wouldn't require -- I don't think -- a code change if the City spent some money -- ask for a grant potentially of course -- to get the Professorville properties in the categories 3 and 4 evaluation. They haven't been done since what 19 -- well Professorville hasn't been reevaluated since 1970 something or whether because it wasn't Dames and Moore. If something was determined eligible to be a -- I just make this up -- a category 2 from a 4, that's not a code change. Just changing the classification of the property, is that right?

Mr. Weintraub: Thank you Council Member Homan. The treatment and review processes for category 1, 2, 3, and 4 are all codified in the Historic Preservation Ordinances which is chapter 16.49 of the municipal codes. Any change to how that would --how those are treated under the code does need to be dealt with in the code. Also, the historic category designations of individual properties are made by the city council and that's the only process by which that occurs. To change from a 4 to a 2, for instance, would involve a Council action...

Council Member Holman: But not a code change?

Mr. Weintraub: ...not a code change but that changes the designation of one individual property based on the existing code framework. That's not changing the code framework for all category 3s and 4s. To do that, would require an ordinance change because their currently codified as being treated a certain way. To change the global treatment, you know for categories 3s and 4s or any other type of global treatment for the category buildings does require getting into the ordinance.

Council Member Holman: Right and that wasn't the direction I was headed. I was heading towards what you did address also. Which was getting the inventory of Professorville properties and categories 3 and 4 updated? Yes, those different classifications, if there were changes, would have to go to the Council but it doesn't require a code change.

Mr. Weintraub.: That is correct.

Council Member Holman: The same thing with adding National Register Properties to the inventory, for instance. Which it seems kind of a no-brainer to do but it's never come to the Council to take that action.

Board Member Di Cicco: May I ask a question. I understand what Karen is saying because how many -- I mean can you actually know or estimate how many structures in Palo Alto are on the National Register but not on the inventory and why can't they just be automatically put on the inventory if they're already deemed to be eligible for the National register?

Mr. Weintraub: Thank you Board Member Di Cicco. There are approximately 22 individual properties listed on the National register. In addition to the Green Gables and the Green Meadows historic districts. There's a process in the municipal code for listing properties locally and it requires an application to be submitted to the department. It requires public review processes and the department doesn't self-initiate those designations. Community members initiate designations to the local inventory so the department is happy to process any application that's submitted. For instance, for a National Register district to be designated locally, we would certainly process that application and gadget that Community in that process I'm sure the HRB would also be heavily involved in engaging the Community in that process. Again, it requires -- it does require some Community initiation for that to occur and then it has to go through the formal process so there's not an automatic -- code doesn't provide for automatic listing of National registering in California properties to the local inventory.

Board Member Di Cicco: Thank you.

Chair Bernstein: Picking up on Council Member Holman's comment about the language. CEQA, you made a note that that gets spelled out somewhere. Also, the secretary interior standards, the old bulletin made reference to the secretary interior standards. Looks like the proposed new bulletin does not, is that correct? There's nothing I'm referring to secretary interior standards on the purposed new bulletin.

Mr. Weintraub: Thank you, Chair Bernstein. That's correct only because we didn't want to include too much information and this also reminds me of Council Member Holman's other comment on the SISR vs. the standards of review. Just to kind of go back. The local code doesn't actually include the secretary of the interior standards. The local code refers to standards of review in the ordinance. So, Staff has been punctilious if you will and used that direct language. Referred directly to those standards. However, the City Council has adopted the secretary of the interior standards for rehabilitation, separately and those are incorporated into California Environment Quality Act review. We can certainly look at, essentially replacing the reference too standard or review in the ordinance with the SISR because they are compatible and they are now used in coordination with each other. The fact is all historic review projects, the underlying threshold to look at is the SISR. I think those points are well taken in terms of bringing the Secretary of the Interior Standards a little more to the surface in terms of the requirements for review. We can probably not necessarily refer to the code standards since they seem to be broader and not....

Chair Bernstein: I agree with that because I'm thinking about an applicant who's entering this process for the very first time. They're going to hear from the HRB or even the Historic Planner, Secretary Interior Standards and then let an applicant at least see it on paper before they hear it from Staff or Board. More comments or comments from Staff or Council. Council Member Holman.

Council Member Holman: Sorry, just one more perhaps clarification. The third bullet under the first category on page 10. It says, "located in one of the City's locally designated districts, Professorville or Romona Street." Would it be helpful, again this is going to Board Member Bower earlier comments, to just list Green Meadows and Green Gables so that... I'm sorry... (Inaudible)

Ms. French: I don't mean to interrupt. Those are not locally designated.

Council Member Holman: Ah, then, if that's...ok. They are National Register districts. Tell me then where – so that means that this and I'd kind to like again Board Member Bower (Inaudible) call outs here. Group to the second bullet, listing the National Register for Historic Places or the California Register of Historic Resources so does that then – is that where Green Meadow, Green Gables would come into play.

Male: Yes.

Council Member Holman: For those neighborhoods – I just answered my own question, never mind. We need so many revisions. Do you want to speak to maybe when the study session could maybe come forward to HRB? Oh and the other thing is, we've to talk about before but not with these folks that the listing of the National Register, potential California Register when those can go on the City's website. Also, I've never gotten clear on the properties that were reviewed and determined eligible for the National Register. Where those properties that weren't National Registered determined, are they California Register determined because they didn't quite meet the threshold of National, are they California Register determined?

Mr. Weintraub: Thank you Council Member Holman. The properties that were determined not National Register eligible, were not fully evaluated for California Register eligibility so they do not have final evaluations one way or another.

Council Member Holman: But they haven't disappeared so they are on the potential California List.

Mr. Weintraub.: They are listed currently as potentially eligible for the California Register. In terms of how they fit into this bulletin. They would not be considered part of the first or second groupings because

they don't have final determination eligibility. They may or may not fit into the grouping of properties that would require historic resource evaluations based on how they would flow through the criteria or the conditions if you will.

Council Member Holman: What about getting those properties listed on the website and is the City keeping track of what resources we're losing including at the potential California or National Register?

Mr. Weintraub: The City's files include all the outcomes of project reviews so that information is available to track and collate if needed. The City is working on getting information on the website as soon as possible.

Council Member Holman: I guess my question to –sorry folks – my question is about is the City tracking so is there a correlation – if you – rather than having to go to specific address, let's just say we'll point to Pat's house, just for purpose of conversation, god forbid, someone tears down Pat's house and would you have to know Pat's address to know if that was on the Register or a potential Register list to then find out if a California Register – let's just use this for purpose of conversation – if a potential California Register or a National Register property was torn down or the City tracking by consulting with the list of resources and potential resources and making a note in that list of what's been demolished and not?

Mr. Weintraub: The City's files are maintained by parcel numbers and/or by address. Anyone looking any information would typically look up a property by parcel number and/or address to determine historic designation and/or permit activities for that property.

Chair Bernstein: Comments, questions. I see your lights on Pat. (Inaudible) Anything more the Staff or Council Members would like to hear from HRB? Alright, this is a study session so no motions or I guess to summarize you heard comments and then if it could then come back to the HRB before finalizing.

Mr. Weintraub: Thank you, Chair Bernstein. Yes, we have received comments. We've taken detailed notes from all the comments from all the HRB members and Council Member Holman, thank you very much. We do anticipate making changes. We will honor the HRB's request to bring the revised bulletin back to the HRB for further review and comment before finalization.

Chair Bernstein: Would there be a date when that might happen?

Mr. Weintraub: Do not have a date scheduled for that at the moment.

Board Member Bunnenberg: Thank you so much for all the work that has gone into it so far.

Approval of Minutes

3. Approval of Minutes from September 8th, 2016 Historic Resources Board Meeting.

Chair Bernstein: With that, we can move onto the next agenda item. That is approval of minutes from September 8th, 2016 Historic Resources Board meeting. First of all, I'd liked to ask if there are any disclosures on this.

Board Member Bunnenberg: I have a disclosure. On the advice of the Palo Alto City attorney, I will recuse myself from participating on the agenda item regarding 450 Bryant Street because I spoke at an HRB meeting prior to a rescheduled HRB regarding this project. While this does not give rise to a conflict of interest. Under the political reform act, it could have the appearance of bias and thus I have elected to recuse myself from future proceedings on this matter.

Chair Bernstein: Beth, you perhaps misspoke. You said you spoke at an HRB meeting. I think you mean spoke at an ARB meeting.

Board Member Bunnenberg: At an ARB meeting. Sorry. Sorry. I spoke at an ARB meeting.

Chair Bernstein: Thank you. I also have a disclosure on this agenda item of approving minutes. Also, on the advice of the Palo Alto City attorney, I will recuse myself from participating on the agenda item regarding 450 Bryant Street because I spoke at an ARB meeting prior to a rescheduled HRB meeting regarding this project. While this does not give rise to a conflict of interest under the Political Reform Act. It could have the appearance of bias and thus I have elected to recuse myself from future proceedings on this matter. I guess we will need to recuse (Crosstalk) ourselves. I'd like to continue the proceedings under Vice Chair Wimmer. Thank you.

MOTION

Vice Chair Wimmer: In a review of the minutes, we still need to move to approve the minutes.

Board Member Bower: We don't have a quorum.

Vice Chair Wimmer: Oh, yes. Your right. We don't.

Mr. Weintraub: I believe four members is a quorum.

Vice Chair Wimmer: Four is fine. Yeah. (Crosstalk) Do we – have you had a chance to review the minutes? Do you have any comments or questions or corrections? The only one area that I saw that needed – when it said, Board Member Bower moved, seconded by XX. I don't know who XX is but I guess it doesn't matter. Maybe that person wasn't recorded but... would anyone like to move to approve the minutes?

Board Member Bower: I just assumed that didn't matter because the motion was withdrawn. I mean...(Crosstalk)

Vice Chair Wimmer: Oh ok.

Board Member Bower: ... I saw that too. The motion was eventually withdrawn so...

Vice Chair Wimmer: That's true. That's true.

Board Member Bower: ... maybe it doesn't matter. Does it matter?

Ms. French: I think you can approve the minutes with an XX there because yes, it doesn't matter. It would be nice if we had that.

Vice Chair Wimmer: Would anyone like to move to approve the minutes?

Board Member Bower: So moved.

Vice Chair Wimmer: Would anyone second?

Board Member Di Cicco: I second.

Vice Chair Wimmer: All in favor...

Everyone: I.

Vice Chair Wimmer: That's unanimous so the minutes are approved.

Ms. French: I would like to just follow up on that particular item, the Avenidas item. As the other have removed themselves from the room. It's really difficult to find a meeting date that will work and so what I'm asking is if anyone can participate via telephone –that's something I am communication with the City attorney about this – so on October 11th we have [David Bowers] available. Pat you said not, Michael not. Is there a possibility that either one of you could participate via phone on that date? It's not a Thursday, it's a Tuesday. We are down to not having a coram for the Avenidas item on most dates. On all the regular dates we're having a hard time with that. Is that a possibility?

Vice Chair Wimmer: I'm available on that day but I have a jury duty obligation (Crosstalk) which I'll do everything to get out of. So, maybe this is a good excuse.

Ms. French: Ok, is that the first day of the jury duty?

Vice Chair Wimmer: Yes, because I think the day before that is a holiday. That Monday...

Ms. French: Yes. (Inaudible)

Vice Chair Wimmer: Columbus Day. (Inaudible)

Ms. French: It's touch and go whether too... (Crosstalk)

Male: It's a Tuesday. (Crosstalk)

Board Member Makinen: I'd probably be available by phone.

Ms. French: By phone is a possibility? Ok. And you're in surgery?

Board Member Di Cicco: You know I don't know how I am going to be doing. I might be under the influence of narcotic from my surgery. I am not sure that would be a wise idea.

Ms. French: You know if Roger Kohler response and Margaret you don't have jury duty. Which we advertise agendas and we put things together and then we show up and if you're not able to know – typically I know in San Mateo County you call the night before. Is that how it works in this County?

Vice Chair Wimmer: I think so.

Ms. French: Oh boy.

Vice Chair Wimmer: I'll certainly let you know.

Board Member Di Cicco: Probably, you know a few days before I would at least know if I could be available by phone if someone is not – I'm definitely going to be in Palo Alto.

Ms. French: Ok., Alright. That's a gamble. Then you said you are out for the entire month of October?

Board Member Di Cicco: You know; I'd rather say I'm probably going to be not available but maybe after the third or fourth week – I've never been through a situation like this. I might be able probably the very latter part of the month. I doubt highly before that. I've already been told I can't drive a vehicle for at least two weeks.

Ms. French: Our effort had been towards October 20th, having a joint meeting with the ARB but we've already had people that can't go to that meeting. I'm just trying to pull out all the stops and find any day that might work. Alright right, thank you. Appreciate it.

Vice Chair Wimmer: Should we call them back? (Inaudible)

Chair Bernstein: Where are we in our agenda?

Vice Chair Wimmer: We just approved the minutes.

Chair Bernstein: Alright, continuing on our agenda. Next is and thank you Vice Chair Wimmer.

Ms. French: I think we may not have done a move and second approve by a vote of the minutes. (Crosstalk) (Inaudible) You did? Ok.

Board Member Bower: I remember. I don't have a good memory.

Subcommittee Items

Chair Bernstein: Next on our agenda is subcommittee items. I see none listed.

Board Member Questions, Comments and Announcements

Chair Bernstein: Next, is Board member questions, comments or announcements. Board Member Bower.

Board Member Bower: I was out of town for last – for the meeting a week ago, Monday, when the Council reviewed the Professorville design guidelines. I didn't see anything in the paper. What happened?

Mr. Weintraub: Thank you Board Member Bower. Yes, on September 12th, Staff presented the Professorville historic design guild lines to the Council, requesting adoption. The Council discussed and deliberated. Ultimately ran out of time and continued the item to a date uncertain. Currently, Staff is tentatively planning to present back to council on October 24th.

Board Member Bower: Another day I won't be here.

Chair Bernstein: Vice Chair Wimmer.

Vice Chair Wimmer: Regarding the Professorville guild lines. It seemed to me after I was in attendance at the Council meeting, it seemed like the Council needed more time to review the guild lines and it occurred to me that maybe we could have a study session with some members of the Council because it seemed like there were a lot of things that might have been benefitted by a discussion in a less formal setting or maybe just in a meeting in just the HRB and the Council members who are interested in commenting on the guild lines. I don't know if that's still a possibility if – I know that we're trying to stay on schedule and have the guild lines moved through. I just felt like we could benefit from a conversation with them and maybe what comes out of that conversation can possibly alter or impact the guild lines. I don't know if there is a possibility we could participate in something like that or not.

Mr. Weintraub.: Thank you, Vice Chair Wimmer. The Council may request and schedule a meeting with the Board or the Board may request a meeting with the Council and that can occur. Staff would certainly facilitate and administrate that. Right now, Staff is planning to present the existing materials and with some changes as directed by Council to the Council on October 24th. There probably won't be time to react to any activities that occur in the mean time prior to that but again it's up to the board and the Council how they want to proceed with the project.

Chair Bernstein: Council Member Holman.

Council Member Holman: I think along those same lines. I think this Council and any or all Councils could benefit from a little tutorial on Secretary of the Interior Standards because once I'm gone, there's really – off Council in a couple years, there's nobody that's really carrying that torch for historic properties. One other Council member is very interested, the liaison to the HRB from last year but the education needs to be instilled. I think some kind of study session or tutorial would be very appreciated and with the HRB, of course.

Chair Bernstein: I agree with that 1000%. In fact, I spoke to [Cara Silvers], City attorney about this several months ago. About, can there be a session with HRB members and Council members to help describe what it means for something to be comparable and what's the differentiation? I think our Board has a lot of easy words to express that with but how's it gets translated to Council members who are voting on ordinances. What's the process for HRB to request a meeting from Council and have that conversation?

Mr. Weintraub: Thank you, Chair Bernstein. I think it's a matter of simply going on record that you would like to request that and I think Staff would forward that request to Council. Regarding possible training. City of Palo Alto is a Certified Local Government that does entitle the City to – technical assistance from OHP Staff and OHP Staff in the past has provided training to local governments in areas such as Secretary of the Interior Standard for rehabilitation, what is compatibility, what is consistency with the standards, those types of things. That might be something that could be requested of state Staff and they may actually come and do that.

Chair Bernstein: I'm hearing to yeses so far for that idea. I think the Board is saying yes, let's go ahead and start that process of how we have a conversation with Council. Excellent. One reason I thought about how important this is I've heard Council Members say things such as during public hearings. The having ordinances that are subjective to interpretation is challenging. So, by getting a little more clarity on things like compatibility and differentiation. I think it would clarify the thinking of Council members when it comes times to enact ordinances. Thank you. Still under questions, comments or announcements. Seeing none. Any other comments from Staff. Staff has requested HRB members to communicate with Amy French their availability of upcoming meeting dates. We'll all do that.

Board Member Makinen: We are or we are not having an October 13th meeting?

Ms. French: We would only have an October 13th meeting if we could turn around the bulletin because we're not able to get a quorum for the Avenidas project on that date based on the remaining available members. To the extent that we will be able to do that, we will reach out and let you know. Can we hear whether we have – I think we have reached out, [Jeff] sent you an email (Crosstalk) I think he has heard back to determine there is a Coram for anything other than Avenida.

Chair Bernstein: If that's it, we are adjourned. Thank you.

Adjournment