

Upcoming HRB Meeting Dates



2023-2024 Meeting Schedule

| Meeting Dates | Time | Location | Status | Planned Absences |
|-----------------------|--------------------|---------------|----------------|------------------|
| 12/14/2023 | 8:30 AM | Hybrid | Regular | - |
| 12/28/2023 | 8:30 AM | Hybrid | Cancelled | -Christmas |
| 1/11/2024 | 8:30 AM | Hybrid | Regular | |
| 1/25/2024 | 8:30 AM | Hybrid | Regular | |
| 2/8/2024 | 8:30 AM | Hybrid | Cancelled | |
| 2/22/2024 | 8:30 PM | Hybrid | Cancelled | |
| 2/23/2024 | 5:30 PM | Hybrid | Special | |

- January 11th meeting scheduled for the third set of properties nomination hearing
- January 25th meeting is to review objection reasons and address the properties whose owners have submitted objection letters
- The HRB does not plan to cancel the February 8, 2024 regular meeting
- Quarterly special HRB meeting target date is Friday, February 23th 6-8 pm (instead of the February 22nd regular morning HRB meeting).

MEETING SCHEDULE

Historic Resources Board

December 14, 2023

ITEM #2: RECOMMENDATION ON NOMINATIONS

GOAL L-7 Conservation and preservation of Palo Alto's historic buildings, sites and districts.

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.



12/14 ORDER: PROPERTIES GROUPED BY CRITERIA

- (1) Staff presentation
- (2) HRB receive public comment
- (3) Group considerations as suggested; red asterisk * *notes 19 objections properties pulled out for voting on groups*
 - Public property (2601 E. Bayshore)
 - Private properties
 - Criteria 5 and 6 (9 properties)
 - Criterion 2 (5 properties)
 - Criterion 3 (5 properties)
 - Criteria 2 and 5 (4 properties)
 - Criteria 2 and 6 (3 properties)
 - Criteria 2, 5, and 6 (2 properties)
 - Criterion 1 (2 properties)
 - Criteria 3 and 5 (1 property)
 - Criteria 2 and 4 (1 property)
 - Criteria 1 and 3 (1 property)
 - Criterion 4 (1 property)
 - Criteria 1 and 2 (1 property)
 - There are **38** property addresses originally scheduled for consideration at the 12/14 HRB meeting, for which staff received many owners' written objections to local listing before the meeting, and **two** owner requests to postpone the HRB's consideration to 1-11-24
 - The objections are shown with a red asterisk on the remaining slides
 - The HRB meeting of January 25, 2024 is recommended for the objections properties to allow full engagement, reporting, and discussion

State of California: "Consent of owner is not required for nomination to CRHR, but a resource cannot be listed over an owner's objections. The SHRC can, however, formally determine a property eligible for the California Register if the resource owner objects." Staff believes this to be the likeliest, comparable protocol example path for Council in Spring. Agenda Item #3 is for general discussion on protocol for recommending properties with objections.

STATE COMMISSION'S PROCEDURE

As a comparison, review State Historic Resources Commission (SHRC)'s procedure:

- The SHRC hears and votes on properties to be listed to the National Register and California Register. The SHRC reviews groups of properties together within a hearing structure that includes staff presentations, questions from the SHRC, call for public comment, and final deliberation and single vote on properties presented as a group.
- As the SHRC will have reviewed the nomination forms ahead of the hearing, individual properties are not typically discussed in depth; this aids in the SHRC's ability to recommend multiple properties for designation within one hearing.
- However, if a particular property faces owner opposition or has some other need that requires individual attention, it is removed from the group and placed as an individual item at the end of the hearing agenda for additional discussion.

12/14 ADDRESSES – OBJECTIONS NOTED

20 Objections

471 Addison Avenue
1101 Alma Street
2264 Bowdoin Street
2160 Bryant Street
336 Byron
2277 Byron Street
555 Center Drive
380 Coleridge Avenue
1485 Edgewood Drive
945-949 Emerson Street
1726 Fulton Street
381 Guinda Street
1423 Hamilton Avenue
544 Hawthorne Avenue
218 Middlefield Road
435 Santa Rita Avenue
1341 University Avenue
311 Waverley Street
University Avenue Underpass
Embarcadero Road Underpass

Properties crossed off are objections also appearing in left column

Properties previously found eligible for an association with Events

330 Cowper Street – postpone 1-11-24
818-820 and 828-830 Cowper Street
2601 East Bayshore Road – **HRB postponed to 1-11-24**
~~Embarcadero Road Underpass~~
~~945-949 Emerson Street~~
2931 Louis Road
~~218 Middlefield Road~~
619 Webster Street
~~University Avenue Underpass~~

Properties found eligible for Architecture

~~471 Addison Avenue~~
~~1101 Alma Street~~
~~2264 Bowdoin Street~~
~~2160 Bryant Street~~
~~336 Byron Street~~
~~2277 Byron Street~~
421 California Avenue
~~555 Center Drive~~
380 Coleridge Avenue
1275 Dana Avenue
541 E Crescent Drive
~~1485 Edgewood Drive~~
2171 El Camino Real
311 El Carmelo Avenue
~~1726 Fulton Street~~
~~381 Guinda Street~~
925 Hamilton Avenue
972 Hamilton Avenue
~~1423 Hamilton Avenue~~
1452 Hamilton Avenue
365 Hawthorne Avenue – postpone to 1-11-24
~~544 Hawthorne Avenue~~
175 Island Drive
419 Maple Street
~~435 Santa Rita Avenue~~
1247 Stanford Avenue
~~1341 University Avenue~~
~~311 Waverley Street~~
2280 Webster Street

PUBLICLY OWNED PROPERTY: CRITERIA 1, 4, & 5

Publicly Owned Properties

| Address | Criteria | Category |
|--|----------|----------|
| 2601 East Bayshore Road (Federal Telegraph Company – Marsh Station) HRB postponed to January 11 | 1, 4, 5 | 1 |
| * Underpass - Embarcadero Road Owner: JPB/Caltrain | 1 | 2 |
| * Underpass - University Avenue Owner: JPB/Caltrain | 1 | 2 |

- Criterion 1 (The structure or site is identified with the lives of historic people or with important events in the city, state, or nation)
- Criterion 4 (The structure or site is connected with a business or use which was once common, but is now rare)
- Criterion 5 (The architect or building was important)

Note: The Underpasses enable City roadways to extend under the Caltrain tracks, but the structures above the Roadway are owned by the Joint Powers Board (JPB)

NINE PRIVATE PROPERTIES: CRITERIA 5 AND 6

Properties proposed for designation under Palo Alto Criteria 5 and 6

| | Address | Criteria | Category |
|---|----------------------|----------|----------|
| * | 555 Center Drive | 5, 6 | 1 |
| | 1275 Dana Avenue | 5, 6 | 1 |
| * | 2160 Bryant Street | 5, 6 | 2 |
| * | 380 Coleridge Avenue | 5, 6 | 2 |
| | 2171 El Camino Real | 5, 6 | 2 |
| * | 1726 Fulton Street | 5, 6 | 2 |
| * | 1423 Hamilton Avenue | 5, 6 | 2 |
| | 1452 Hamilton Avenue | 5, 6 | 2 |
| | 419 Maple Street | 5, 6 | 2 |

- Criterion 5 (The architect or building was important)
- Criterion 6 (The structure or site contains elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship)

FIVE PRIVATE PROPERTIES: CRITERION 2

Properties proposed for designation under Palo Alto Criterion 2

| | Address | Criterion | Category |
|---|-----------------------|-----------|----------|
| * | 1101 Alma Street | 2 | 2 |
| | 311 El Carmelo Avenue | 2 | 2 |
| * | 544 Hawthorne Avenue | 2 | 2 |
| | 175 Island Drive | 2 | 2 |
| * | 2264 Bowdoin Street | 2 | 3 |

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

FIVE PRIVATE PROPERTIES: CRITERION 3

Properties proposed for designation under Palo Alto Criterion 3

| Address | Criterion | Category |
|-----------------------|-----------|----------|
| * 336 Byron Street | 3 | 2 |
| 1247 Stanford Avenue | 3 | 2 |
| * 471 Addison Avenue | 3 | 3 |
| * 311 Waverley Street | 3 | 3 |
| 2280 Webster Street | 3 | 4 |

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

FOUR PRIVATE PROPERTIES: CRITERIA 2 AND 5

Properties proposed for designation under Palo Alto Criteria 2 and 5

| | Address | Criteria | Category |
|---|------------------------|----------|----------|
| * | 2277 Byron Street | 2, 5 | 1 |
| | 421 California Avenue | 2, 5 | 2 |
| * | 1485 Edgewood Drive | 2, 5 | 2 |
| * | 1341 University Avenue | 2, 5 | 2 |

- Criterion 2 (The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation)
- Criterion 5 (The architect or building was important)

THREE PRIVATE PROPERTIES: CRITERIA 2 AND 6

Properties proposed for designation under Palo Alto Criteria 2 and 6

| Address | Criteria | Category |
|---------------------|----------|----------|
| * 381 Guinda Street | 2, 6 | 1 |
| 925 Hamilton Avenue | 2, 6 | 2 |
| 972 Hamilton Avenue | 2, 6 | 2 |

- Criterion 2 (The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation)
- Criterion 6 (The structure or site contains elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship)

TWO PRIVATE PROPERTIES: CRITERIA 2, 5, & 6

Properties proposed for designation under Palo Alto Criteria 2, 5, and 6:

- Criterion 2 (The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation)
- Criterion 5 (The architect or building was important)
- Criterion 6 (The structure or site contains elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship)

| Address | Criteria | Category |
|-------------------------|----------|----------|
| 541 E Crescent Drive | 2, 5, 6 | 2 |
| * 435 Santa Rita Avenue | 2, 5, 6 | 2 |

TWO PRIVATE PROPERTIES: CRITERION 1

*

Properties proposed for designation under Palo Alto Criterion 1

| Address | Criterion | Category |
|---|-----------|----------|
| 330 Cowper Street Postpone to January 11 | 1 | 2 |
| 818-820 and 828-830 Cowper Street | 1 | 3 |

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

ONE PRIVATE PROPERTY: CRITERIA 3 AND 5

Properties proposed for designation under Palo Alto Criteria 3 and 5

| Address | Criteria | Category |
|--|----------|----------|
| 365 Hawthorne Avenue Postpone to January 11 | 3, 5 | 2 |

- Criterion 3 (The structure or site is an example of a type of building which was once common, but is now rare)
- Criterion 5 (The architect or building was important)

ONE PRIVATE PROPERTY: CRITERIA 2 AND 4

Properties proposed for designation under Palo Alto Criteria 2 and 4

| Address | Criteria | Category |
|-----------------|----------|----------|
| 2931 Louis Road | 2, 4 | 2 |

- Criterion 2 (The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation)
- Criterion 4 (The structure or site is connected with a business or use which was once common, but is now rare)

ONE PRIVATE PROPERTY: CRITERIA 1 AND 3

Properties proposed for designation under Palo Alto Criteria 1 and 3

| Address | Criteria | Category |
|------------------------|----------|----------|
| * 218 Middlefield Road | 1, 3 | 2 |

- Criterion 1 (The structure or site is identified with the lives of historic people or with important events in the city, state, or nation)
- Criterion 3 (The structure or site is an example of a type of building which was once common, but is now rare)

ONE PRIVATE PROPERTY: CRITERION 4

Properties proposed for designation under Palo Alto Criterion 4

| Address | Criteria | Category |
|--------------------------|----------|----------|
| * 945-949 Emerson Street | 4 | 3 |

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

ONE PRIVATE PROPERTY: CRITERIA 1 AND 2

Properties proposed for designation under Palo Alto Criteria 1 and 2

| Address | Criteria | Category |
|--------------------|----------|----------|
| 619 Webster Street | 1, 2 | 3 |

- Criterion 1 (The structure or site is identified with the lives of historic people or with important events in the city, state, or nation)
- Criterion 2 (The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation)

OWNER FEEDBACK AND OBJECTIONS

- This week, staff received evidence of an objecting neighbor's outreach letter; a neighbor has been sending the letter to owners in the nominations process, accompanied by a two-realtor-company letter asserting lower property values occur due to having a historic status
- Many of the 75 objections were submitted without conversations with staff and prior to receiving staff's outreach letters; others were received before the publication of the HRB staff report. It is unclear whether some owners who objected had done research beyond reading the neighbor's correspondence
- Objections express a desire for flexibility, and owner uncertainty about the nomination process; they cite general opinion or perhaps fear about potential property values and review processes related to listing
- Some objections noted disagreement with the property's nomination findings and/or description
- One owner suggested an interest in the City proposing a historic district for their neighborhood, to which she would not object (but which would require a majority of the owners to agree to, and would involve properties not previously identified as historic resources, and which is not within the scope of this effort)

TRACKING AND COMPILING OBJECTIONS

- When staff has received an objection, whether by email, letter, or visit to the Development center, staff:
 - Informs the owner the objection has been received and recorded
 - Provides a copy of the Nomination Memo with the DPR
 - Provides responses to questions and offers a follow up call or meeting
 - Informs owners that the objections properties would ultimately be considered by the HRB on January 25, 2024, including the properties the HRB already nominated given no owner objections
- Staff will compile a report on these objections for the January 25, 2024 HRB meeting



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ITEM #3: PROTOCOLS AND EXPECTATIONS

HRB to discuss protocols and expectations for the nomination process. Staff identified three discussion topics:

1. Processing objections received after the November 9th, December 14th and January 11th HRB nominations
2. Protocols of other Certified Local Government (CLG) cities regarding nominations, as comparison
3. Expectations for the January 25, 2024 HRB meeting regarding 'objections properties'

HRB may also wish to discuss February 23, 2024 evening community meeting date and potential topics, e.g.:

- a. Discuss the reasons given for objections to local inventory listing
- b. Review Palo Alto's historic preservation incentives
- c. Recommend the City explore establishing additional incentives for historic preservation

Notes:

- PAMC 16.49, historic preservation is not proposed to be modified before Council considers the nominations of eligible properties to the local inventory. Staff believes it unnecessary to revise the ordinance to establish what the HRB and Council should do when property owners object to nominations. In the absence of an ordinance, the HRB and Council may establish protocols for notifications and nominations
- Palo Alto staff have referred to the State's protocol on objections as a model the City Council may follow
- Several property owners seek to clarify expectations and expressed concern about being forced to participate in a study and process where there are concerns for their properties

PROTOCOLS – NOTIFICATION

1. Staff sent letters and notice cards to owners of the properties scheduled for the November 9th HRB meeting
2. Staff sent notice cards and certified letters to owners of the December 14th HRB meeting properties approximately two weeks prior to the meeting
3. Staff will send notice cards and certified letters to owners at least three weeks prior to the January 11th HRB meeting for those properties
4. Prior to the January 25th HRB meeting, identified as the meeting for all the objections properties, staff will only send certified letters to **owners who have not already responded** with objections or confirmations (as well as notice cards), and will send notice cards to the owners who previously submitted objections
5. Prior to the City Council meeting (not yet scheduled), staff will send notice cards to all owners whose properties were identified in the HRB staff reports as eligible for the local register, whether or not the properties were nominated by the HRB on November 9, December 14 and January 11, to alert them of the City Council meeting
6. The City is unable to enable owners to 'opt out' of notifications of the hearings

PROTOCOLS – OWNER PARTICIPATION

1. The City welcomes suggestions for helpful incentives for historic preservation
2. Staff encourages owners to reach out to staff – rather than following prompts by a neighbor to object - and to review the City’s letter and nomination memo beforehand
3. Owners with objections are not required to copy the HRB or Council in their objection letter – objection letters to staff become public records
4. Public correspondence to the HRB is now published on the HRB webpage - copying the HRB and/or Council means publication of such correspondence on the City’s webpages
5. Property owners can attend HRB meetings in person or remotely
6. Owners who have submitted objections are not required to attend HRB meetings
7. Statements made during HRB hearings will be captured in meeting minutes to be published on the HRB webpage and provided to the City Council with a staff report in spring 2024 (date to be determined)
8. Owner objections to nominations to the local inventory sent to the HRB before, during, or after the November 9th, December 14th, and January 11th HRB nominations (up until one week before January 25th) will be included in the HRB packet of January 25th

STATE OHP PROTOCOLS

State Office of Historic Preservation (OHP) clarifications regarding the National Register listing process are:

- Any person may nominate any property at any time without owner, private or public permission
- If the property is privately owned, it may not be listed in the National Register without owner's permission
- Similarly, if 51% of private property owners object to the nomination of a district, the district will not be formally listed
- If the National Park Service finds that the property, individual property, or a district meets National Register criteria, **the property will receive a "Determination of Eligibility"**.
- Objection does not stop the nomination process. **It is critical that everyone understands that no taking or requirements result from listing private or municipal property.** All land use authority remains the purview of the local government.

-Jay Correia, Supervisor, Cultural Resources Programs, Registration and Project Review Units, California Office of Historic Preservation

The challenge is to balance preservation goals and the needs of the community, as a whole, with the need to bring landowners into the preservation process in a positive fashion. **The vast majority of preservation ordinances nationwide wisely avoid any type of owner consent provisions. But, again, they may sometimes be necessary for political reasons.**

OTHER CLG CITIES' PROTOCOLS

- Certified Local Government (CLG) jurisdiction protocols vary regarding nominations; some cities require consent, other cities list properties despite owner objections.
- Many cities responding to a CLG Listserve survey noted they **do not require owner consent** for individual landmark designation (Berkeley, Long Beach, Sacramento, San Gabriel, Santa Monica, South Pasadena, West Hollywood)
- Other CLG jurisdictions **do require owner consent** (Pomona (for SFRs), Burbank, Monterey – for lower-level resources, San Diego County, Santa Clara County).
- Mountain View allowed owners to appeal listing within six months of Council action to list the properties.
- San Francisco is focused on surveying its resources to identify eligibility for listing.

JANUARY 25, 2024 HRB MEETING EXPECTATIONS

- Establish protocols for the January 25th meeting for reviewing properties found eligible for the National Register, California Register, and local inventory, associated with owners' objections; example: objection must be received *at least one week* prior to January 25th
- Acknowledge the HRB's ability to affirm the continuing eligibility of properties for the local inventory, and appropriate category, based on the local criteria outlined in the nomination memorandums
- Affirm that the HRB would not recommend that the Council place properties on the local historic inventory 'over the expressed objections of property owners'
- Note that an HRB recommendation for Council to *not* place a property on the local historic inventory does not change the existing/prior status of the property as eligible for the National and California Register and therefore a 'CEQA resource'



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