



HISTORIC RESOURCES BOARD MEETING  
MINUTES, December 14, 2023  
Council Chamber & Virtual Zoom  
8:30 A.M.

**Call to Order/Roll Call**

Present: Vice Chair Samantha Rohman; Board Members Caroline Willis; Gogo Heinrich and Michael Makinen

Absent: Chair Alisa Eagleston-Cieslewicz; Board Members Margaret Wimmer and Christian Pease

**Agenda Changes, Additions and Deletions**

**Public Comment**

**City Official Reports**

1. Historic Resources Board Schedule of Meetings and Assignments

This item was moved to the end of the meeting.

**Action Items**

Vice Chair Rohman asked if there were any disclosures from Board Members. There were none.

2. Recommendations on Nominations of Eligible Historic Resources to the City's Historic Resources Inventory Resulting from the 2023 Historic Reconnaissance Survey

Ms. French introduced consultants, Isabel Castellano, M-Group, and Kristina Paulauskaite, City of Palo Alto staff. She shared the background for the inventory project, including Comprehensive Plan policies supporting the project. She set forth the process that would be followed for review of the properties. Asterisks beside certain properties on the lists denoted those for which staff has received objections prior to the meeting. She noted also that two owners have requested postponement of discussion. They have been informed about the meeting on January 11<sup>th</sup>, and have confirmed that this date will work for the two owners. Ms. French noted the State of California's practice regarding consent and regarding what has been stated in the public record regarding likelihood of the City Council following the State of California's example. She advised that there is another item on the agenda to discuss protocols for recommending properties that have submitted objections. She shared the State Commission's procedure, which has been reviewed and was being modeled by Palo Alto staff and consultants. Ms. French noted that the PowerPoint presentations are now being published for all Planning and Development Service Department, Commission and Board meetings as a result of a complaint staff has received. She shared the list of properties for which objections have been received.

Vice Chair Rohman invited comments from the public, with a reminder that there would be a three-minute limit.

Don Jackson stated that the Historic Resources Inventory process has been updated since the November 9<sup>th</sup> grouping. He said that since that meeting there is more guidance for people writing objection letters. He quoted from the guidance, "Provide a brief description of reasons for objection." He asked, for a previous objection letter that did not include reasons for the objection, whether those property owners should send additional information. He said he had written a comment which stated, "I request that, in the spirit of transparency and accurately recording this historic inventory process, I request that staff and HRB clearly

indicate and make public the factual response status of each property owner, specifically: 'no response,' 'responded with no objection,' or 'responded with objection.' Preserving these factually accurate response distinctions will be important in the event of any potential future litigation."

Vice Chair Rohman addressed Mr. Jackson's questions, stating that any notice of an owner's objection to being listed is acceptable, whether a reason is given or not.

Ms. French affirmed that this was correct, adding that they do find the reasons to be helpful as they proceed through the process, but it is not required.

Charlotte Lowell remarked that she is not an expert historic preservation and it is confusing to her as a resident that, walking the neighborhood with people, two houses in the area are up for historic preservation, but no one identified her house as one of them. She acknowledged this could be because she is not an expert at it. She referred to Van Gogh's paintings of cypresses and said if he was doing a Van Gogh exhibit and didn't put up "Potato Eaters" or "Starry Night" but had one or two of cypresses, one would ask, "How did they select those cypresses?" Even if there were reasons for selecting her house, there are multiple other houses that are similar and are actual Birge Clarks, which hers is not. She was told that it was because of the name of a person who she attached to her letter, the biography that was in the Dames and Moore report. So whatever other information people had, the basis in the report didn't establish why he needed to have an additional house when there were already five houses he built that are on. They were built for more significant architects, though they don't know who the architect was. She said her confusion is that if the Board is going to say that something is significant, her confusion is how they know significance when looking at a very narrow pool. Dames and Moore had begun with a much larger pool, which she said was cut perhaps somewhat haphazardly because of time and cost constraints. They state that "This is a nice Spanish Colonial Revival house, but it is not a distinctive Spanish Colonial Revival house." She thought it would be a more understandable process and perhaps more valid, if all of the existing Spanish Colonial houses deemed potentially eligible were considered. Then those owners might actually see the benefits. She said they don't have copper on their roof work. Others do, and it is pretty. She thought that to nominate her house at this time would almost detract from what being on a historic inventory is, because people say, "why is this on and not that?" She hoped they would look at the particular facts. She was happy to be educated on why a particular builder of a house makes it significant, even if there are already five houses on there. She didn't know how many in the current inventory have the same builder as hers - Schmaling houses. She attached his biography and said, just looking at the record, there isn't evidence that is compelling.

Vice Chair Rohman responded that she didn't think their history consultants were prepared to speak to Ms. Lowell's question that day, but it is a topic they can discuss with them at some time in the future.

Carrie Jeffries said she submitted her objection to her house being on the register. She said she knows Palo Alto has made an investment in identifying homes for the list. She asked if there has been an investment by the City of Palo Alto to fully understand the financial impact of the value of each of the homes based on being put on the historic register. She said some local realtors have spoken on this and there has been discussion on how it impacts the value of a home. She said it would be interesting to have this formally researched. She said if there is great value to the City or to the State, then it would be interesting to create some kind of opportunity for a partnership in which the homeowner makes sure that they really want to invest in being on the register and recognizes the advantages of being on the list as well as the potential cost of being on the list, so that everyone can benefit and work in partnership. She wondered if they had done this sort of research and whether this research would be presented to City Council before they made their decisions.

Ms. French responded that they have seen the letter from two realty companies, which were distributed to all of the property owners in the nominations process. They haven't commented on it or done a survey or study. She indicated a possibility that they would take the time to do such a thing before going to Council, and this could be discussed more generally within the second agenda item.

John Bard said he intended to speak on the second item. He thanked the Board and Planning Department for allowing public comment on the topic, which is very important, especially for those on the list of eligible properties, as well as those which will be moved to the historical listings. He appreciated the efforts to make changes to the process to make it clearer to the people who are affected by the process and to listen

to their input and make changes to give them more opportunity to participate in the process. He felt the important thing is to understand the goals of the effort – to preserve the character of Palo Alto. He said this goes two ways. One, to the character of the neighborhoods themselves, and one to the character of the property owners as individuals making an investment and enjoying the value of living in Palo Alto and the character of the neighborhoods. He said this particular effort seems to be addressing individual properties rather than neighborhoods, so the impact on the individual property owner is critically important, and the impact on their home values is as important for them as the character of the neighborhood that they live in. He said they appreciate the historical value of their house and want to continue to preserve it, but he didn't know that they want to be on a list that removes value from their house in a resale situation. He noted that there are quite a few discrepancies, or inconsistencies, in the Code regarding development, whether for environmental, electrical, or codes aspects of development, and this would add yet another wrinkle of complexity for getting permits done and cost of doing development. They are concerned about the negative disincentives for listing and have not seen the positive incentives to offset them. He acknowledged the Board's work to identify and document, but would like to see that move further forward. He said there are some promises to make changes to the Code and to consider additional incentive programs, such as the Mills Act, but until those things are solidified, he would not wish to have his property listed. He will continue to raise this objection, as he has in the past, and will continue to advocate for the ability of the property owner to object and to not be placed on the list without their consent.

Lian Bi said that she sent an objection letter on November 28<sup>th</sup> and didn't see her address, 380 Coleridge Avenue, denoted as having an objection. She agreed that the City of Palo Alto, before making decisions, should investigate and do more research on the financial impacts on the properties.

Vice Chair Rohman said they do have the response ready for that.

Ms. French added that they are noting the objection and will look through all of their emails, unless it was sent in another fashion. Neither she or Isabel recognized the address as having received an objection, but they will note this on the list.

Board Member Willis thanked the property owners for maintaining their houses and loving and taking care of them. She said even if they are never on the inventory they are very much a part of the fabric of Palo Alto. She said most of them had choices about where to live, and they chose Palo Alto for a reason. For herself, the way it looks and feels is why she lived there. She said they appreciate the comments, even though it might not come across that way. The Board sees the inventory as a positive thing, and they hope to change the public image about it.

Ms. French presented the list of properties showing the ones with objections and verifying for the owner of 380 Coleridge that her property had been noted as having an objection.

Ms. French proceeded to present the first properties under consideration. Two were marked with asterisks. She said the City investigated ownership of these two underpasses and said they are not owned by the City, although they are city roadways. They are owned by JPB, Joint Powers Board, Caltrain. There is a meeting scheduled with Caltrain JPB planning reps, who submitted a letter objecting to posting for various reasons, including safety of transportation, et cetera. Therefore they are on the objections list for January 25<sup>th</sup>, unless discussed with Council. The remaining property in the first group is City property.

Barrett Reiter, Page and Turnbull, spoke on 2601 East Bayshore Road, which is the Federal Telegraph Company building – Marsh Station. There is an existing building which used to be a very large array for radio and telegraph infrastructure that was removed. The existing buildings are surrounded by a marshy public property. She said it is highly significant for its history in the telegraph and telephone industry as well as communications to ships during wars, making it highly significant and this is why it was included as a Category 1.

Vice Chair Rohman invited comments or questions from the Board.

Board Member Willis wondered if the property is still currently in use.

Ms. Reiter responded that it is not. It is boarded up and fenced off.

Board Member Heinrich asked if the building has been cleared of any hazardous materials.

Ms. French said they don't have a full report on this, but she did find some reports online from a year or so ago. A contact regarding the property recently retired from Parks and Recreation, and she did not have the chance to speak with him directly, although she did speak with the Director of Community Services several weeks ago regarding this process. She said they can certainly find out more if the Board wished to postpone discussions or voting on this property until January 11<sup>th</sup>. She was supportive of that and would have a representative from Community Services attend.

Board Member Heinrich indicated she would like to postpone, because she wanted to see the study of the building, what its future use would be, and what it would take for demolition of it if it does contain hazardous materials.

## **MOTION**

Motion by Board Member Heinrich to postpone discussion on 2601 East Bayshore Road until January 11, 2024. Seconded by Vice Chair Rohman.

Board Member Willis suggested that Board Member Heinrich define in a letter or a memo the information she was looking for so that someone could give explicit answers. She reminded Board Member Heinrich that being on the inventory does not prevent demolition. She did not understand what the negative would be on having the property on the list and said she did not support postponing. Although this is an unusual building, since it is abandoned, the message in putting it on the inventory would be that when the property does get developed, they would like to see it maintained if possible. In her opinion, it would be a message that the Board cares about the building and would like to see it revitalized.

Ms. French interjected that it would be helpful to understand the range of concerns of Board Member Heinrich. She said she didn't believe the property around the building is a hazardous site. Inside the building if they have removed the equipment and contents, and it may be a possibility that there are not hazardous materials inside. It would be something for the Council, the ultimate representative of the owner, to consider, and they will certainly have detailed information on any City site before going to Council with it.

Board Member Heinrich indicated that she will put her questions in a memo for the Board and the City.

Board Member Makinen said the building looks like the building is in a process of demolition by neglect. He felt it needed further review to determine if it is a worthy candidate for consideration. He supported the motion to postpone pending further analysis of the building.

The motion to postpone passed, (3-1).

Ms. French added a further comment regarding hazardous materials, stating that many historic buildings have asbestos if this was one of Board Member Heinrich's concerns. If it is a different toxin that is a concern, that would be important to relay.

Ms. French presented the next group of properties proposed for designation under Criteria 5 and 6.

Ms. Reiter presented the properties, one of which is Category 1 and the remainder are Category 2. The properties were called out for a significant architect or builder and that have outstanding attention to detail and design.

Vice Chair Rohman invited questions or comments from the Board. There were none.

## **MOTION**

Motion by Vice Chair Rohman to forward the group of properties to Council for addition to the local register, except for 555 Center, 2160 Bryant, 380 Coleridge, 1726 Fulton and 1423 Hamilton, which are noted to have objections.

Board Member Heinrich commented that she would like to see them do the financial study referenced and requested by homeowners. She felt that they may be premature in listing these properties in general. She said she would like to see the opportunity for owners to opt in, rather than opt out of the list. She felt that the list should be available for everyone, and if someone wishes to opt in, it should be very simple for them to do so. She commented that if someone doesn't know that their property is on the list and they don't opt out in time, the consequences are unknown at this point, and she felt that they should collaborate with the

neighbors and owners to ascertain what the financial obligations will be for being on the list. She, therefore, did not support the motion.

Board Member Willis questioned if Board Member Heinrich felt this way in regard to the entire process.

Board Member Heinrich said she feels the process to get the properties listed was good. However, trying to force the owners onto the list and just having them object to the list, she would personally object to, to being told that your property is on the list, and you have no idea why or what the financial consequences will be.

Board Member Willis inquired of the property owners in attendance if by this time most of them would understand why their properties are on the list. There were responses from attendees off the microphone which were inaudible.

Ms. French felt this was a little out of order. She understood there was a Board member who was uncomfortable, and pointed out that the member could dissent to all of the nominations if she wished. She reminded the Board of the second item on the agenda which was to discuss the actions being taken within the process to confirm that property owners are okay with being nominated. If there are objections received after the nominations in November, those objections are accepted. She reiterated that Board Member Heinrich may vote as she wished.

Vice Chair Rohman indicated that they will proceed with the nominations.

Ms. French added that phrasing of the motion may be important to state that the Board is only nominating and not listing properties on inventories. Only the Council can place on inventories. The HRB's function is to look at the criteria for recommendation for eligibility to the local inventory and weigh in on the criteria. When it comes to recommending the Council nominate, they could take a separate vote if that is preferable. She thought it would be nice to at least take a look at the criteria while they had the paid consultant in attendance.

Vice Chair Rohman agreed and based on the criteria and the Board's feeling about the process, she reiterated her motion to forward the aforementioned properties for addition to the local register.

Board Member Willis asked for a rephrasing of the motion to indicate the properties that are being nominated rather than the exceptions.

## **MOTION**

Vice Chair Rohman rephrased the motion:

Motion by Vice Chair Rohman to recommend forwarding 1275 Dana, 2171 El Camino Real, 1452 Hamilton and 419 Maple to Palo Alto City Council to vote on for designation to the Palo Alto register. Seconded by Board Member Willis, the motion carried (3-1).

Ms. French presented two properties on the next list for consideration.

Ms. Reiter stated that 311 El Carmelo and 175 Island Drive are both particularly representative of an architectural style and have therefore been nominated under Category 2. In general, she stated that the properties nominated have already been found eligible for the National Register under criteria, and they have been extrapolating from that original criteria to the Palo Alto inventory, so there is a correlation between the fact that they have already been found significant and this is just listing them on the local inventory as a next step which might provide some benefits to property owners.

Vice Chair Rohman asked Ms. Reiter to clarify whether she was speaking of all five properties, or the two that do not have objections.

Ms. Reiter indicated that she was referring to all properties being reviewed as part of this process. Every property through the Dames and Moore survey was found eligible for the National Register, so they already know that they are historic resources for that purpose. This process is simply officially adding them to the local inventory.

## **MOTION**

Motion by Vice Chair Rohman to forward 311 El Carmelo Avenue and 175 Island Drive to City Council for consideration for addition to the Palo Alto local register. Seconded by Board Member Willis, the motion carried (3-1).

Ms. French presented the next group, two properties, 1247 Stanford and 2280 Webster.

Ms. Reiter stated that one of the properties, 2280 Webster, is being designated as Category 4, while 1247 Stanford is a Category 2. Both properties are eligible under Criterion 3, which is a building that was once common but is now rare. This could be for style or for use. She thought both of the properties are for style.

#### **MOTION**

Motion by Vice Chair Rohman to forward to Council for consideration to the local register 1247 Stanford Avenue and 2280 Webster Avenue. Seconded by Board Member Willis, the motion carried, (3-1).

Ms. French presented the next group, one property, at 421 California Avenue. She shared that she had an extensive and delightful conversation with long-term owners. They do not object to listing and support this effort.

#### **MOTION**

Motion by Vice Chair Rohman to add 421 California Avenue to the list for Council to consider adding to the local register. Seconded by Board Member Willis.

Board Member Heinrich asked if they are opted in.

Ms. French said there is no formal opt-in process. The process is if they object to placement on the inventory. There is no opt-out of consideration by the HRB. She said sometimes when the words "opt-out" are stated, they're asking staff to not even talk about their property. There is an objections process and protocol at the moment. She reiterated that she had an in-person conversation, and the owners are supportive of listing on the local inventory.

The motion carried, (4-0).

Ms. French presented the next group, two properties, for Criteria 2 and 6.

Ms. Reiter added that both of these buildings are significant for their architectural style as well as outstanding attention to design or detail.

#### **MOTION**

Motion by Vice Chair Rohman to forward 925 Hamilton Avenue and 972 Hamilton Avenue to City Council for a vote on adding them to the local register.

Board Member Willis thought there was an objection on 925 Hamilton.

Ms. French asked if someone had made that objection.

[inaudible comment, off mic]

The motion was seconded by Board Member Willis. The motion carried, (3-1).

Ms. French presented the next group, one property, eligible under several criteria.

Ms. Reiter noted that the building is eligible under Criteria 2 for its style, Criteria 5 because the architect or builder was significant, and under Criteria 6 for outstanding attention to design or detail. It is nominated as a Category 2.

#### **MOTION**

Motion by Vice Chair Rohman to nominate 541 East Crescent Avenue to the City Council for a vote to add it to the Palo Alto local register. Seconded by Board Member Willis, the motion carried, (3-1).

Ms. French presented the next group, two properties, one of which has requested postponement to January 11<sup>th</sup>, which staff agreed to. The other is for four addresses on Cowper Street.

Ms. Reiter noted that these are two apartment buildings that were designed and completed together. They are twin buildings and are nominated under Criteria 1, which is "significant with important events." These really demonstrate a densification of Palo Alto at a time when it was becoming very desirable to live in this area and they needed to provide additional density for residents in this particular section near the Downtown. It is nominated under Category 3.

Board Member Heinrich asked if they needed a separate motion on the postponement to January 11<sup>th</sup>.

Vice Chair Rohman said this is what the owner requests, so the Board will gladly postpone.

### **MOTION**

Motion by Vice Chair Rohman to forward to City Council 818-820 and 828-830 Cowper Street for a vote of addition to the Palo Alto local register. Seconded by Board Member Willis, the motion carried (3-1).

Ms. French stated that the next property is another requesting to postpone. The following group also included one property, 2931 Louis.

Ms. Reiter commented that this property is nominated under Criteria 2 for architectural style and criteria because it was connected with a business use that was one common but is now rare. It is nominated under Category 2.

### **MOTION**

Motion by Vice Chair Rohman to forward 2931 Louis Road to City Council for a to be considered as an addition to the Palo Alto local register. Seconded by Board Member Willis, the motion carried (3-1).

Ms. French presented 619 Webster.

Ms. Reiter said the property is nominated under Criteria 1 and 2, identified with lives of historic people or important events as well as representative of an architectural style. It is nominated as a Category 3.

### **MOTION**

Motion by Vice Chair Rohman to forward 619 Webster Street to City Council for a vote for addition to the local register. Seconded by Board Member Willis, the motion carried, (3-1).

Ms. French stated that concluded all of the properties. She invited any further discussion by the Board regarding handling objections under item 2 or under the next item. She said if anyone was present or online to hear item 3 it would be helpful to know, so they could proceed to that item.

Vice Chair Rohman invited comments or questions from Board members.

Board Member Willis said it would be helpful if staff could write a clear, simple paragraph about the what the difference would be if properties were on the inventory as historic properties that have been identified. She thought everyone would like to be sure they understand what exactly it would mean if there's a historic property is identified that is not on the inventory, and if there is a historic property that is on the inventory. She would like to understand, aside from SB9, what the difference would be, the advantages or disadvantages.

Ms. French called out SB9, stating that owners of the properties on this effort, if not on the inventory, they can tear down their home without discretionary process, without CEQA, without neighbor participation or even neighbor notice, they can tear down those homes and put up four homes.

Board Member Willis said there are a few that think there is some potential SB9 in their future, but she feels it is the exception and for the most part they are seeing people who value their historic properties and don't see SB9 as something they would do. It might be economically advantageous in the future, although she doubted it. Her feeling was that SB9 has relatively little impact on the objections.

Ms. French commented that the disadvantage of being on the inventory would be a Category 1 or 2 that proposes demolition is subject to demolition delay, and is subject to a conversation and a process beyond a ministerial building permit. For Category 1 or 2 if there are significant alterations that modify the character-defining features such that they are no longer eligible for the inventory or would need to be removed from it, they would go through a process with the HRB for the Board to offer advice on how to

better meet the Secretary of the Interior standards. After receiving that advice, owners can proceed to a building permit and not heed the advice, and proceed with the project. For Categories 3 and 4, staff is not required by the Code to bring them before the Historic Resources Board unless they are in Professorville, which is a historic district. They would receive free advice from the City's staff and consultants regarding best practices for modifying the properties to Secretary of the Interior standards, all of which could be disregarded in the actual building permit. There is no procedure to systematically remove properties from the existing inventory when they have been altered significantly. Ms. French said this is something that the Board should discuss at some point. She said there are many more considerations and staff would be happy to provide a table of them. She noted that she listened into the Mountain View hearing at the Council meeting and felt it would be helpful to have a table that shows if you are eligible and a CEQA resource, and go through a discretionary review how it is different than if a property is listed on the inventory and go through a discretionary review. She said that case law is such that if you are an eligible resource for the National and California Register and you go through a discretionary review then there is a consideration under CEQA for those projects if you are not listed on the inventory. Especially for commercial properties, there is not much difference between being eligible versus being on the inventory, except that being on the inventory carries some benefits and incentives.

Vice Chair Rohman observed that it is nuanced and because of the local register, the National Register and the California Register, there are different requirements if changes are proposed to the house.

Ms. French added that all of the properties found eligible in the year 2000 and sent to the State in the year 2000 and are on the list as historic resources and some later that were found more recently based on owner participation to find out if they're eligible, all of those properties that were determined eligible and are still eligible by this process, by looking at the integrity. If there is objection to listing on the local register they have still been found eligible through this process, and their eligibility for State and National will not change and is not impacted by this process.

Board Member Heinrich referred to a letter written by Lee Lippert from the PAST Board in which he identified the benefits of remodeling of an historic home with the California Register. She asked if those same criteria would be applied for Palo Alto, or if the California Register would overtake the Palo Alto building requirements.

Ms. French said the historic building code is available to any listed resource. She did not believe that eligible resources are enabled to use the historic building code.

Ms. Paulauskaite commented on the description of the historic code, saying it is an addition to the current building code to assist properties that don't meet current standards that provide for deviations to assist the existing architectural style or features. It is not to deviate completely in terms of providing any life safety issues, which is to continue with the building codes in meeting efficiencies and life safety standards. The historic building code is provided to homeowners that have a registered historic resource that they can clearly identify is a historic resource. It has certain features that could deviate slightly from the current building code. Regarding the previous question as to how one register overlaps the other, she expressed this in terms of how they communicate to each other and the overlap. For the properties listed at the level of National Register there is a higher level of integrity and significance, and there may be eligibility as well to the California Register. The current actions of the HRB were to move forward with formerly-identified National Register properties and see the opportunity to apply them to the local register. In terms of the local, the regional and the national register, they are to identify various levels of historic resources and qualities of them. She emphasized that they can correlate, they can overlap, they can communicate to each other. In terms of the national, the local and the state, there are some deviations to the broader extent and significance to each one.

Board Member Heinrich asked if an owner is only on the Palo Alto register and not on the California or National, if they are allowed to use the historic building code.

Ms. Paulauskaite replied that, yes, they are.

Board Member Willis asked if they don't want to be on the local inventory but are identified as National Register eligible if they can use the historic building code in Palo Alto.



Ms. Paulauskaite replied that she did not believe so, but thought it had to go through the City Building Official for that recognition and awareness. She said she could follow up and provide that within the project website.

Ms. Reiter noted that the California historic building code can be used for a property that is listed on a national, state or local inventory, so these properties were identified eligible for the National Register, but they are not listed on the National Register. By listing them on the Palo Alto inventory it has been allowing Palo Alto homeowners to go through the California historic building code process which often is just sending a letter identifying the section of the code that the owner would like to be excused from and sending it to the State, who reviews it and looks at the listing on the local inventory and can approve the code compliance change.

Ms. French added in regard to being listed and getting access to the historic building code that, for any property owners objecting to this process, if in the future they wish to reconsider and come back and ask to be placed on the inventory, it is a possibility but there is a process. Her understanding is that there will be a charge for that process and there would be additional requirements, which is what occurs when someone comes forward outside of the current process and requests to be placed on the inventory. There is staff work involved.

3. Discussion of Protocols for Notices of Nomination Meetings and Expectations in advance of the January 25, 2024, HRB Meeting Regarding Making Recommendations Following Receipt of Objection Letters

Ms. French said the agenda item was intended to help the public understand what the expectations might be, as well as share what the protocols have been to date. There are three topics that staff envisioned discussing in this regard. There has also been discussion in the past regarding the desire to have quarterly meetings in the evening. Staff has identified a potential date of February 23<sup>rd</sup> for an evening community meeting. There will likely not be time on the 25<sup>th</sup> due to the number of properties that they are receiving objections for, so they could continue the discussion on February 23<sup>rd</sup> in an evening meeting, including discussion of existing preservation incentives that are in the Palo Alto Code as well as state and federal benefits. They could also brainstorm and talk about ideas, benchmark incentives of other cities, or put forward some ideas to the City Council before, or as part of, the report that will be prepared sometime in the spring.

Ms. French went on to say that they are not at this time proposing modification to the Palo Alto Municipal Code, Chapter 1649, Historic Preservation. There has been some discussion about modifying that ordinance to place something in it to help expectations about what the HRB and Council should do when objections are received, or from some other peoples' statements and feedback, how to opt out of the process of even discussing their property. She said staff does not think that is a requirement to put in the ordinance but that the HRB and Council can set their own protocols in this regard. The HRB can help with recommending and establishing protocol. Staff has been referring to the State's protocol as a model for the City Council to follow. The HRB can also consider that. She acknowledged that the idea of being forced into a process is weighing heavily on some property owners.

Vice Chair Rohman invited comments from the public.

[unidentified speaker off mic made inaudible comments]

Ms. French noted that there is an opportunity for her to re-open public comments as well, during the item.

Don Jackson stated that the Code should absolutely be modified before proceeding and the current process should be paused until it has been done. He said he agreed with Darlene Yaplee's upcoming comment to please recommend to Council to not place properties on the inventory over the objections of the property owner. He said a better move would be for the HRB, ideally, to require the consent of the owner. He commended Board Member Heinrich for her principled objections and her realization that the current process is not fair to property owners. He urged the Board members, especially Board Member Willis, to review and consider the language and the feelings conveyed in the objection letters to date, specifically the adverb preceding the word "object," such as "strenuously," "strongly," "vehemently," "vociferously." He said it seems obvious that the majority of owners feel that the HRB's current process is burdensome and unfair. He asked why the HRB is putting owners through this.

Darlene Yaplee spoke, stating that they love their homes, which is why they bought them. For most of them their homes are their most consequential financial asset. As property owners of 845 Waverly, they request that the HRB recommend to Council to not place properties on the historical inventory over the objections of the property owner, and follow the historical process for nominations by California. Additionally, Palo Alto's historic preservation purpose, Section 1649.010 states, "stabilize and improve the economic value of certain historic structures, districts and neighborhoods." She referred to Michael Dreyfus' realtor letter to the HRB and Council on November 8<sup>th</sup> that categorically stated that a historical classification can reduce a property's value by 10 to 20 percent, which refutes the intent of the ordinance. She said regarding the staff report section on protocols of other jurisdictions, on owner consent for designation, the conclusion the City's consultant informed staff that in the Bay Area, those cities that do have historic ordinances and registers typically require owner consent for listing on the local register. The CLG list serve source of information is a chat room which lacks rigor and is not thorough because it contains self-selected responses of the chat room at the time the question is asked. For example, there is incorrect information on Mountain View based on its policy today. It shows "no" for consent required. Mountain View ordinance Section 365470 states that the application will be processed only if the property owner agrees in writing to such designation. Furthermore, the packet states that the owner can appeal this listing for six months, but this is only applicable for the initial register in 2004. Beyond 2004, Mountain View requires owner consent to be historical, and Mountain View allows applications to be removed from the list ten years after, and every five years after that. Ms. Yaplee said she will leave a copy of the ordinance with the Clerk. She asked that, at a minimum, the Board recommend to Council not to place properties on the inventory over the objections of the owner. A better move would be for the HRB to minimize the Palo Alto process, not forward recommendations of properties to the inventory over the objection of the property owner.

Charlotte Lowell spoke and thanked the staff and volunteers to addressing these issues. She felt that, whether through protocol or statute, there should be owner consent. If they wanted to make an exception to that, stating it's exceptional or unusually valuable, it should be the exception rather than the rule. She said if they are concerned about preserving the fabric of Palo Alto, the Historic Resources Board and the Architectural Board should be in communication with each other. She knows people who have put time and money into preserving their house and money and they don't want to see it torn down when it is immediately sold. There are others who feel differently. They feel like their property is sold and that's the end of it. One is making a sort of gift to the community and others are not, but if historic preservation is so important then maybe some of the conversations should be going on with the Architectural Review Board. She said she was shocked to hear that the City could forward information to the State Parks, which they are required to do it if deemed eligible. She said there were so many properties that were deemed potentially eligible. They weren't followed up on, she thought because maybe after the referendum where people didn't want 500 or 700 properties listed, they were culled down and that culling process means that there are properties out there that might be more significant that are not being addressed. She felt the way to do that would be to tell people who have homes that are potentially eligible, that Dames and Moore did evaluate, and ask them if they would like to be part of the process. That way the pool of the fabric that is embedded in Palo Alto is enlarged but not with, perhaps, taking some houses that wouldn't be as significant as others. But because of the way things fell out that house doesn't currently have the benefits that Ms. French outlined of getting a consultant that would help them with their renovation. She wanted to make a plea for more of an opt-in, having people whose houses have already been deemed considered part of the process and not just saying the ones that are on the list, now mandating them. It may be that five years later many more are found, such that this one that would not have been significant. She felt it's better for the whole fabric to educate people about the benefits so that the ones that meet the exceptions can take advantage of what the City offers.

Phyllis Shobots agreed with the previous speaker's comments. She said she is interested in more clarity on the incentives and if there is a possibility of more incentives being introduced.

Ms. French clarified that the word "potentially" is critical to understand and what is meant by potentially eligible. Those are properties that were driven past in 1997 that did not make the cut to the next part of the process, the part in which they arrived at 165 actually deemed eligible for the National Register. Because of the Policy L7.2 in the Comprehensive Plan, they have systematically, by owner request only, been using a qualified consultant to prepare evaluations to find out if those drive-by properties are eligible for the National or California Register. A very small percentage of those potentially eligible properties have been

found actually eligible. In terms of residential properties she thought maybe five or six out of hundreds that have come forward since 2017. She responded to a comment made about the chat room, stating that Mountain View was not in the chat room discussion. Because of the time-consuming nature of researching other cities, she has only recently been able to take a look at Mountain View. The prior list serve serving the certified local governments, of which Palo Alto is one, was several years back, and it was expedient for her to gather the research and spend the time that she needed to put a table together. She said it was not an exhaustive study. She noted that consultants, Page and Turnbull, are consulting Mountain View and could answer questions in that regard. If the HRB has questions that the consultant could answer, she would be happy to forward those.

Board Member Willis commented that at their next public meeting it might be nice to have handouts on various topics in which they could specifically address things that people are interested in. She said she heard what was said, and sometimes they get home and want to hear it again, so it would be good reiterate a lot of things, or a paper that lays everything out very clearly.

Ms. French continued with the staff presentation and stated that they may be able to do a poll to find the right date for the HRB for the evening community meeting. She noted that if members of the public in attendance are willing or interested to weigh in the date of February 23<sup>rd</sup> where they could have an opportunity for broad discussion of incentives and potential ordinance changes that could be prepared in a white paper of some point to present to Council at some point, they could let her know if that date – a Friday night – is easier than coming on a weekday or weeknight. She asked if the Board would like to discuss this.

Board Member Willis asked why they are not having a February 8<sup>th</sup> meeting.

Ms. French replied that there are meetings on January 11<sup>th</sup> and January 25<sup>th</sup>. She said there is a lot going on and they may need a pause to take care of some other business and prepare for the community meeting. She asked if Board Member Willis would like to have the community meeting on the heels of the January 25<sup>th</sup> meeting.

Board Member Willis said they have pushed a lot of things back to January 11<sup>th</sup>, and they may need February 8<sup>th</sup> to catch up.

Vice Chair Rohman proposed that they look at the calendar as a whole at the end of the meeting.

Board Member Heinrich said she thought they were somewhat out of order, and she would like to see the discussion that they will have on February 23<sup>rd</sup> be brought forward so that they have a better understanding of what they will approve or not approve on January 25<sup>th</sup>. She wanted to have all of the protocols and incentives and financial benefits listed first, and then nominate.

Vice Chair Rohman again suggested they move the calendar discussion to the end and make sure that everything is as the City resources are best available to support.

Ms. French agreed and said they can check their contract to see when the consultant contract expires. They had targeted and advertised the meetings for January 11<sup>th</sup> and January 25<sup>th</sup> as the meetings for those particular addresses, so she was concerned with not proceeding with those dates. She added that they can take that issue up later.

Ms. French proceeded with the staff report, stating that she wanted the community to understand, for the record, what staff's protocols are with notifications. For the November 9<sup>th</sup> HRB meeting notice cards were sent. There was a glitch. They resent the notice cards, and something happened in the mail room, which they fixed. They sent letters, not certified, for the November 9<sup>th</sup> HRB hearing. For the current hearing they sent notice cards and checked them before they were placed in the mailbox to make sure they were accurate. They sent certified letters to each property owner approximately two weeks prior to the meeting. For the targeted January 11<sup>th</sup> meeting for the next batch, they will also send notice cards and certified letters. Because their goal is to send those out in the coming days, they are shooting for three weeks prior to January 11<sup>th</sup> in acknowledgment of holidays. Prior to the January 25<sup>th</sup> HRB meeting, which is identified as the meeting for all of the objection properties, they plan to send certified letters to owners who have not already responded with objections as well as notice cards. They will also send notice cards to owners who previously submitted objections, because they have them on record as objecting. Prior to the City

Council meeting not yet scheduled, staff will send notice to all property owners whose properties were identified in the HRB staff reports as eligible, whether or not the properties were nominated by the HRB on November 9<sup>th</sup>, 14<sup>th</sup>, or January 11<sup>th</sup>, to alert them of the City Council meeting.

Ms. French noted that, to clear up the concept of “opt-out,” for transparency purposes, which staff is eager to observe and comply with, they are sending notices to people even if they say they don’t want to hear from them.

Vice Chair Rohman asked about the response to the addition of the certified letters, as it was not originally part of the process.

Ms. French said this was in response to the concern that people receive cards or letters and may not open them. She said her understanding is that a certified letter is a more formal process where someone signs for the letter. If they go to the post office to receive the letter, there is more rigor in trying to actually make sure the owner receives that letter.

Vice Chair Rohman said she believed that is a direct result of the community sentiment that people may not check their mail, or don’t live at that address.

Ms. French agreed. She asked if there was any further question about notification protocols. Hearing none, she moved to the topic of owner participation protocols. She said the City welcomes suggestions for helpful incentives for historic preservation. If anybody wants to include that in their objection letters or any other letter or email, that feedback would be welcome. They encourage owners to reach out to staff and to review the City’s letter and nomination memo before sending an objection. This is helpful for staff to understand that the objection comes after there has been some kind of contact from the staff to them with a letter, or from them reaching out to actually hear from City staff rather than from another source. She said owners with objections are not required to copy the City Council or the HRB in their objection letter. Those letters to staff become public records. They are publishing all correspondence from owners when they copy the HRB on the HRB’s webpage. As always with Council communications those are all published on the Council’s page. If there are property owners that do not want their letters to be visible in the public domain, they do not need to copy the HRB or Council. Property owners may attend HRB meetings in person or remotely, and owners who have submitted objections are not required to attend HRB meetings. This is an opt-out if they do not wish to participate other than to send an objection letter. Statements made during HRB meetings will be captured in meeting minutes which are published on the HRB webpage and provided to City Council with the staff report sometime in 2024, date to be determined.

Owner objections to nominations to the local inventory sent to the HRB before, during or after November 9<sup>th</sup>, December 14<sup>th</sup>, January 11<sup>th</sup> HRB nominations will be included in the HRB packet of January 25<sup>th</sup>. Ms. French suggested that they discuss this being one week before January 25<sup>th</sup> because staff reports are published one week prior to the HRB meetings, and it would be nice to have received all of the objections and be able to include them in the packet to the HRB one week prior to January 25<sup>th</sup> in case people wish to submit objections before that meeting. If are objections are submitted after January 25<sup>th</sup>, at any time before the City Council considers the recommendations, that is an option as well. That will be many months hence from January 25<sup>th</sup>. Ms. French invited questions regarding these protocols.

Board Member Heinrich’s question was, following the evening meeting of February 23<sup>rd</sup> in which the list of compelling reasons to have one’s home listed is presented, whether people who had objected could change their mind and ask to be listed.

Ms. French responded that they have not talked about that, since they are still in the process. It would depend on when those requests might come in, when another set of meetings could be scheduled for properties that may have reconsidered. They will have to see how many meetings it would take for HRB to consider owners that want to reconsider, before going to Council.

Board Member Heinrich said if they have compelling reasons after the February 23<sup>rd</sup> meeting, they can notify those who have objected and tell them they have the option to opt in without any consequences to them.

Ms. French thought they could let them know that if they rescind their objection they could offer another HRB meeting to go through the same process they have gone through with those they did not receive an objection from.

Board Member Heinrich commented that they do need to get more information out to make everyone want to be on the list.

Ms. French remarked that she didn't think that would be possible, but it was something they could talk about.

Ms. French shared Office of Historic Preservation protocols clarifying what they do. One commentor objected for their individual property, but said they would be happy to be in a district. Unfortunately, that is a longer process, because, number one, they haven't been directed to do that by Council; and two, for properties that have not been found to be a historic resource it would be a long process to evaluate each and every home in that potential district. So, that will not be part of the current process. Ms. French highlighted the OHP protocol that if the National Park Service finds a property that meets the National Register criteria, the property will receive a "Determination of Eligibility," which is similar to what Palo Alto has already done with these properties from the year 2000. There has been a determination of eligibility. The objections don't stop the nomination process. At the National and California level, it is made clear that placement on those registers does not have an impact on how the local government will process them. For example, the Green Meadow Historic District, the Green Gables Historic District of Eichlers. The designation does not have any effect on what the City does regarding permits, et cetera. Whatever happens with the National and State, Palo Alto has land use authority with their ordinance and their procedures as to the eligible properties. CEQA is also a consideration in land uses.

Ms. French found it interesting with regard to ordinances that the vast majority of preservation ordinances nationwide avoid the topic of owner consent provisions. She said she was not aware of what the standard is for ordinances nationwide, that they do not have a clause about owner consent.

Board Member Willis said she was understanding that the State office is offering guidance on a National Register listing, so it's not the State making the decisions, but it's them interpreting the National Register process. She asked if this was correct.

Ms. French replied that there was someone with the Office of OHP that had made the statement, so she was just sharing them, what they do, with the Board and the community because she thought it was interesting. As the HRB and the City search for what to do, they look elsewhere to see what others are doing.

Vice Chair Rohman said her understanding is the reason they have the historical consultant evaluate these properties is because it is a requirement of the State of California, part of being a registered city.

Ms. French clarified that the City is a Certified Local Government. They keep that designation by filing the annual report each year. That enables the City to apply for grants such as the one that helps offset costs for their program.

Vice Chair Rohman asked if they are doing these evaluations as a State requirement first and foremost.

Ms. French said as a Certified Local Government there are some obligations. At this point they are somewhat delinquent. For example, the City of Mountain View is looking now at properties that are 50 years or older. Palo Alto has not embarked on anything of the sort, but is still back in 1948 and earlier with those properties.

Ms. French shared a slide indicating other CLG cities' protocols, to help compare Palo Alto to other Certified Local Governments through what is referred to as the chat room – the Listserve survey. She found this to be helpful to see emails come through with thorny questions. She said this was a quick, not exhaustive, email compilation from some cities that responded. She thought it was interesting that Berkeley, Long Beach, Sacramento, San Gabriel, Santa Monica, South Pasadena, West Hollywood do not require owner consent. Whereas, others in that quick email survey do require owner consent as shown. She made clear that Santa Clara County is for the unincorporated areas of Santa Clara County. It is not applicable to the incorporated cities within Santa Clara County. Each city in the county have their ordinance, or they do not, with their own protocols. Regarding the information about Mountain View, it was gleaned from their consultant, as well as checking online. She did not know if she got it right, but her understanding from what she gleaned

was that there was a time period after the 2004 register was formed that allowed those property owners to come back within the first six months to request de-listing from the list. This is also information she got from their consultant as a point of interest regarding how they are focusing on their surveys, which is to focus on eligibility rather than listing to the local register. Ms. French did not know if San Francisco has an ordinance talking about demolition. Every city is different as far as what they cover. For Palo Alto, demolition requires a ministerial permit and is not subject to CEQA. She was not sure how San Francisco handles this.

Ms. French next discussed expectations for January 25<sup>th</sup>. She presented questions for the HRB as to establishing protocols for January 25<sup>th</sup>, including protocols for reviewing properties for which objections have been received and may continue to receive up until one week prior to January 25<sup>th</sup>, per her suggestion. This would make sense for staff, since the staff report is published a week ahead of time. Secondly, she acknowledged the HRB's ability to affirm the continuing eligibility of properties found eligible for the local inventory, including the appropriate category suggested by the consultant, based on local criteria. The HRB can do this, even if not forwarding a recommendation for placing on the inventory. The third protocol would be to affirm that the HRB would not recommend that Council place properties on the local inventory over the expressed objections of the property owners. This is similar to how staff has been comparing and aligning themselves with the State's protocol. Finally, she noted that an HRB recommendation to Council to not place a property on the inventory does not change the existing or prior status of the property's eligibility for the National Register and California Register, and therefore as a CEQA resource. Ms. French offered these four points for discussion by the Board.

Vice Chair Rohman opened the discussion on the first point, stating that she realizes that staff has been receiving objections up until the 11<sup>th</sup> hour. She felt that they should take objections up until and through the January 25<sup>th</sup> date. She did not feel they could do a cutoff that they must be received at least one week prior. She did not feel this was realistic and in good faith of honoring objections, but that they should take them as they are received, or perhaps up until 8:00 a.m. on the 25<sup>th</sup>.

Ms. French responded that this does not preclude anyone from arriving at the HRB remotely or in person to object to a formerly nominated property. That is always a possibility in a public hearing.

Vice Chair Rohman suggested up until midnight – 11:59 p.m. – on January 24<sup>th</sup>.

Ms. French said this is how they had been handling it – staying up until after midnight the night before the HRB meetings to collect emails received. If an individual risks sending the email during the meeting there is a risk of not seeing it, so they would want to actually appear at the HRB meeting.

Board Member Heinrich asked, if they receive objections after the January 25<sup>th</sup> meeting, if the HRB would review those and take them off of the list before it goes to City Council.

Ms. French said it was possible that staff could simply report that they had received an objection and get it added into the Council packet.

Vice Chair Rohman agreed that per their statement, the HRB is not recommending that Council place properties having owner objections on the local inventory. If the Board passed a property that did not have an active objection to Council, and then an objection is received and noted, it will be noted to Council that it is many of the HRB members' sentiment that they do not recommend that Council designate that property, although she could not speak for the entire HRB.

Ms. French said this is something for which they could take a poll of the members in attendance, which excludes three members of the HRB.

Board Member Willis thought they would want to wait until there were more members in attendance. She felt it was true that they would not recommend that to Council, and she felt that Council would assume that anyway, even if the HRB thought they should. She thought in the spirit of being polite, they should wait until there were more members present to take a poll.

Ms. French expressed that it is good to be polite, but certainty is better for those who are regularly expressing their anxiety to staff with regard to the process, so since there was a quorum present it would be important, from her standpoint, to take a vote of the four members participating.

Board Member Willis responded that she wouldn't have any problem, except she thought there was a Category 1 that had objected, and she would like to have more time to do a deep dive on that one. She would be happy to affirm that they would not recommend to Council that anything they have established as a Category 2, 3 or 4 not be placed on the inventory over the express objections of the property owners. However, she wasn't sure she has made the decision whether a Category 1 would be worth taking a stand for. She wanted to reach out to that property to try to clarify and totally understand their objections. She said people are cautious. Property is a big investment in Palo Alto, and she understands that totally.

Vice Chair Rohman suggested agendizing this discussion for January 11<sup>th</sup>.

Ms. French asked if they would consider agendizing the Category 1 conversation but voting on the 2, 3 and 4's at the current meeting, or at least taking a straw poll for the benefit of the anxious members of the community.

Board Member Willis asked if there were just two Category 1's.

Ms. French didn't remember but she asked the staff present to take a look.

Board Member Heinrich wished to have the opt-in option discussed more thoroughly and ways to outreach to the people who have not objected, such as the one who said they would gladly be on the list. She advocated for an opt-in process, and not an opt-out. She wondered if they could still decide that, or if they were beyond that discussion.

Board Member Willis stated there were five that were recommended as Category 1's on that day, although she didn't remember before that. She said she was perfectly comfortable with not recommending 2's, 3's or 4's without owner consent.

## **MOTION**

Motion by Vice Chair Rohman that the HRB state that they will not recommend 2's, 3's or 4's to Council for a vote if there is owner objection.

Board Member Willis asked to modify the motion to state "proposed 2's, 3's and 4's."

Vice Chair Rohman agreed.

Ms. French said she was hearing that there is interest in having more public comment perhaps before taking the vote and now that the presentation of the last slide had been given.

Vice Chair Rohman thought if they were at the end of this agenda item before discussion of the calendar and approving minutes, she was comfortable hearing public comment at that point.

Ms. French pointed out that consultants may want to add comments as well.

Vice Chair Rohman invited comment from the consultants.

Ms. Paulauskaite wanted to provide a summary of the community outreach that has occurred to date in addition to what Ms. French stated in the presentation. In the process of collecting objections through the property owners, staff offered City consultation, either the consults from M-Group or from Page and Turnbull. That consultation is a conversation to provide background information on what the survey entailed the past summer, how it led up to the eligible properties being recommended to the HRB, any questions on future projects or interests to the property and how the preservation incentives are appropriate, or any feedback. She wanted to summarize those points in terms of the community outreach, including the two community meetings and she added that the consultation continues to be available to property owners upon request. Property owners can contact either Ms. French or her to coordinate either a phone call or a City meeting in person or on Zoom, with Planning staff available for a deeper consultation for an individual property. She emphasized the need and the opportunity owners have to connect with City staff and to consultants directly, and that this is the most efficient and direct mode to collect current information, to collect consultations on the Palo Alto inventory, the Municipal Code, the building feedback as well. This is part of the community outreach – having those consultations throughout the period from the summer to end of this year and continuing up until City Council. Even throughout the recommendations that have been provided to the HRB in groupings, the outreach will continue and if there is a need for an additional evening community meeting, feedback can be gathered and provided before City Council. She wanted to

present to the Board, the public and audience on Zoom that the opportunity continues to be available and there is no stop date, to help reduce the anxiety and the need to immediately contact staff. She said there is still available time and opportunity for discussion, and opportunities to provide a post period. She encouraged anyone with questions to contact her or Ms. French.

Maureen Bard, owner of 947 Waverly, wanted to add support for what Board members and others have said – to not send anybody on the list who is eligible but objects on to City Council. She felt that was the safest and fairest way to proceed, because all of the owners of the individual properties who object have solid reasons for doing so. She cautioned against using things like list serves that talk about other cities' methods or protocols. She feels that is misleading because it doesn't talk about objections, it talks about opting in. She did feel that opting in is the ideal way. Regarding the comment that San Francisco focuses on eligibility, she would like to see the HRB focus on eligibility and how incentives work for people in the town. She felt that for many who have objected to being added it is because they have already improved their properties, and their properties are not the ones that are at risk. It is the ones that are run down that a developer will want to buy cheaply. She felt those are the properties that should ultimately be targeted. They are ones that they want to help, and the incentives actually will have more meaning for them because that ship will not already have sailed, as it has for many. She acknowledged Ms. French's efforts to find which incentives work for Palo Alto, and she is starting think that her situation is not what they are targeting. She has mentioned that on her block there are houses that are over 100 years old but, in her opinion, could be actually could be incentivized if they were made aware. But they are not aware because they are not on the eligible list.

Phyllis Shobots wondered if some kind of survey could be made of all the cities in terms of the incentives. She thought maybe other cities have come up with creative ideas that would appeal to people.

Darlene Yaplee that asked there be very clear comments on what they are recommending. She asked, if the the HRB will not recommend over the owner's objections then why did they spend the last two meetings voting on different homes to move forward to the Council? She thought they should be very clear on the language. She questioned the HRB moving homes forward against the objections of the owners, but they don't want the Council to. She said it is confusing. If Board Member Heinrich voted no and the other people voted yes, and it passed, then those houses are moving forward to the Council to vote. She said her point is if the motion or protocol is that the HRB will not recommend against the owners' objections, then they didn't need that additional vote and it seems contradictory. She asked for clarification and that they use very clear language on how the public is misunderstanding these votes and what they are telling who to do, and not themselves to do.

Board Member Willis said she was very happy to clarify and explained that the HRB did not vote on any houses in which they have heard owner objections. The only properties that the Board nominated to go forward to Council are one where they have not heard from the owners, or the owners were positive about being on the inventory. So if owners have objected, they did not suggest that they go forward to Council including her house, or the Bard's house.

Ms. Yaplee said it is confusing that they have been remanded to the January 25<sup>th</sup> meeting. She asked why they need to go to another meeting. Remanded meant to her that they were going to keep the discussion open, and this is what is confusing to the audience.

Vice Chair Rohman explained that the January 25<sup>th</sup> meeting is for the next grouping that they will vote upon.

Ms. French interjected to correct that January 11<sup>th</sup> will be the next group, and January 25<sup>th</sup>, as had been stated over and over again, is the meeting in which 70-something objections – and any more received between now and then, and during that meeting – will be the opportunity for the HRB to formally vote, whoever is there at the HRB meeting, about those. She said that day they were hoping for a quorum, at least, to vote on what they will do on the 25<sup>th</sup>, so that those who are concerned about the meeting of the 25<sup>th</sup> wouldn't need to show up if they don't want to, because they know what the HRB's plan is and the Board had voted on the plan, as far as, at this point, Category 2, 3 and 4's if they choose to go forward with that motion.



Vice Chair Rohman did not feel comfortable taking a vote on that, since they were missing half of the Historic Resources Board, and there is clearly a lot of community interest and involvement. She didn't feel comfortable taking a vote to say, "In the future, this is how we will vote." She felt that was not a safe option, since any of them could change their mind on how they want to vote for the January 25<sup>th</sup> meeting, which is their prerogative.

Board Member Willis asked if there was a motion made.

Ms. French informed them that a motion was made and had not been seconded yet because they had indicated the opportunity to have additional public comment.

Alan Cooper said he is the owner of a historic house on the list that will be considered on January 11<sup>th</sup>. He is considering submitting an objection, but he said he would like clarification - if he changes his mind because the City creates enough positive incentives, would he be able to withdraw his objection and go onto the list? He said this is not clear from the discussion so far. His property address was 270 Kellogg Avenue. He had not yet submitted an objection but is considering doing so, but he would like to know how he might be able to withdraw that objection if the HRB creates enough incentives so that it appeared that he does not need to make the objection.

Board Member Heinrich said this was one of her previous questions. If someone wants to be taken off of the objection list and put onto the list, can they do that?

Vice Chair Rohman said there are not going to be any changes in incentives between then and January 11<sup>th</sup>. Going forward, they need a process for people who have previously objected and would like to un-object, to be on the register, as there is not currently a process.

Ms. French suggested they could add that to the meeting of the 25<sup>th</sup> since that is when all of the objection properties are targeted to come to the HRB. It could be put on that agenda for clarification and discussion of a protocol regarding withdrawing an objection due to proposed additional incentives.

Board Member Heinrich asked if it would be possible to have that discussion after the community meeting of February 23<sup>rd</sup>.

Ms. French said if there is a quorum for that meeting they can start targeting what topics would be at that meeting, and then there are future HRB meetings in which they could identify additional discussions as needed.

Board Member Heinrich said if they provide all of the incentives at the February 23<sup>rd</sup> meeting, then the owners would have an opportunity and rescind their objections if there's enough incentives for them.

Ms. French wondered if she was talking about potential incentives that are brainstormed on the 23<sup>rd</sup>.

Board Member Heinrich said she meant the actual incentives currently available.

Ms. French said that those incentives are already online, and they encourage people to individually come in and talk to them, because every property is different, with different opportunities for floor area, et cetera. She said she could prepare the table over the break for the January 11<sup>th</sup> meeting as a supplemental report. They anticipate sending out the report next week, so it won't be ready, but she could do a table at least for the PowerPoint presentation on the 11<sup>th</sup>, if it would be helpful, that shows existing incentives if you're on the inventory versus if you are eligible.

Board Member Heinrich asked if she would include what Lee Lippert put in his letter, which had the California Historic information as well.

Ms. French said that it was in the PowerPoint. They weren't able to present it because of all the discussion, but it was in the PowerPoint for the community meeting in October.

Vice Chair Rohman stated that after hearing public comment she did not feel comfortable making a motion regarding Categories 2, 3 and 4 in advance of what the HRB will or will not affirm via a vote in future meetings. She did not feel this would be a wise choice.

[Motion withdrawn]

## **MOTION**

Motion by Board Member Willis that the HRB not recommend that the Council place properties that have been identified as potentially 2's, 3's and 4's on their inventory over the express objections of property owners.

The motion was seconded by Board Member Makinen.

The vote was taken. The motion failed.

Ms. French explained that for motions that have a tie vote, in the event of only four Board members present, it is not possible to break a tie unless a new motion is placed on the table that addresses more of the concerns of the "no" votes.

[Inaudible comments off mic]

Vice Chair Rohman invited further discussion.

Board Member Willis said the Category 1's are a relatively small in number, so putting those aside, they could reassure everybody else – the Category 2's, 3's and 4's – and have them go home and have a good night's sleep by saying that they will not recommend to Council that they put those properties on the recommendation over the express objections of owners.

Board Member Heinrich did not want to exclude the owners who have not objected. She felt the process should be an opt-in only, so if they vote that the ones that have objected so far do not have to be on the list, then she would probably say yes. But she did not want to have the owners who were not present and who had not had a chance to study this and may have objections not be able to look at everything and opt in. She suggestion wording such that the owners who have objected will not be put on the list, period, and she would vote for that. But she was not in favor of including everything else.

Vice Chair Rohman observed that it did not appear that they had a quorum and could not speak for the other three.

#### **MOTION**

Motion by Board Member Heinrich that the current objections from property owners be acknowledged and those properties will not be included in the HRB's recommendation to Council.

Board Member Willis asked for clarification that Board Member Heinrich's motion included Category 1's.

Board Member Heinrich said this was correct. She said until owners can be convinced otherwise that they want to opt in, she would not include them over their objection.

Vice Chair Rohman asked for a second to the motion.

Ms. French suggested that the Board could take a break while staff continued to compile how many Category 1, total, recommendations there are from the consultant, as well as how many objections have been received of those recommendations.

Vice Chair Rohman felt she did not need a break.

Board Member Heinrich agreed.

There being no second to the motion, Vice Chair Rohman closed discussion on the item.

#### **Board Member Questions, Comments , Announcements or Future Meetings and Agendas**

Ms. French shared the calendar for upcoming meetings. The next meeting is January 11<sup>th</sup>, scheduled for the third set of properties for which letters have not yet been sent out. They will be sent out that week. They have already received many objections due to other outreach efforts, not the City's. The meeting for January 25<sup>th</sup> will be for the purpose of reviewing all the properties for which objections have been received. The Board could agendize for January 11<sup>th</sup> to further discuss things like Category 1 properties on the list for which they have received objections, to help with a declarative statement on that meeting date with a full Board. She asked that the Board let her know while it is still possible; otherwise, that could be included in the January 25<sup>th</sup> meeting about objections.

Vice Chair Rohman asked why the January 25<sup>th</sup> meeting was required.

Ms. French said they do not have to have the meeting, even though they said they were going to, because they skipped over those entirely at each meeting to date, and there has not been any kind of affirmative statement such as, "We do not recommend this..." on each of those. The meeting would be for that process, which feels unfinished. If it gives people anxiety to come back in January, they do not have to come back if they have objected. However, they may be unsure about their status because there has not been a vote in the HRB of the expectations for that meeting.

Ms. French shared possible topics for the February 23<sup>rd</sup> meeting, with the comment that it is a ways off, so they could continue entertain topics for that community meeting, which are typically about two hours in length, although they could potentially start before 6:00 depending on the range of items to be discussed.

Vice Chair Rohman wondered if by that time City Council will have met and voted.

Ms. French said there is no date scheduled for that, although they have been saying "spring of 2024." However, given all of the feedback and interest in other research, she imagined that that meeting could possibly get pushed past the summer break.

Board Member Willis wanted to leave the February 8<sup>th</sup> meeting on the calendar in case it was needed, since there seemed to be a significant level of uncertainty.

Board Member Heinrich asked if they could form a subcommittee to look at the financial incentives, talking to real estate agents to get something concrete to hand to the property owners so they understand what is going on. She said she looked at it and was helping Lee form his letter. She said it is a good letter about the incentives, but there are no financial implications addressed. If you have to wait a year to get your building permit that is a year of unknown interest increases, market values, et cetera. She wondered if there was a great economist on the staff.

Ms. French said she would support that concept, and perhaps that subcommittee would not just be looking at property values and real estate transactions, et cetera, but that they would also look at potential incentives such as the ones Mountain View had published on their webpage. That does include the Mills Act program which the Board has talked about for years. There may be other opportunities that the Council could then weigh in on when they take this up in 2024, as to other incentives that have not been discussed to date. A subcommittee could help in surveying other cities and things for which there are limited resources on staff to do that sort of work.

Vice Chair Rohman was very supportive of this.

Board Member Heinrich asked if she would reach out to the other board members to inquire whether they would like to be on such a subcommittee.

Vice Chair Rohman responded this would be the responsibility of the chair of the subcommittee and asked Board Member Heinrich if she would like to be the chair.

Board Member Heinrich agreed to be the chair.

Vice Chair Rohman said she was comfortable adding the February 8<sup>th</sup> meeting back onto the calendar.

Ms. French said February 8<sup>th</sup> was a regularly-scheduled meeting date for the HRB. The only reason there was a line through it was because some board members are having difficulty with job conflicts, and she was trying to support the need to have an evening meeting to focus all of the energy on research and staff reporting and presentations. She was happy to keep the February 8<sup>th</sup> meeting open for spillover from the two January meetings.

Vice Chair Rohman thought this would be wise and respectful to the community. That would mean that the Friday, February 23<sup>rd</sup>, meeting would be in place of the morning on February 22<sup>nd</sup>, which she was also supportive of.

Vice Chair Rohman invited further discussion.

Ms. French thought they needed to take a poll of members who are not present as to their ability to meet on the 23<sup>rd</sup>.

Vice Chair Rohman wondered if that could be done on the 11<sup>th</sup>.

Ms. French said staff can take a poll and find out if there is availability on that date. It would be helpful to have an estimate of a start time and how many hours would be needed. Staff has identified 6:00 to 8:00 but it could be 5:00 to 8:00, for example.

Vice Chair Rohman asked if there would be a staff presentation.

Ms. French replied that there will definitely be staff in attendance, and she assumed there will be a staff presentation.

Vice Chair Rohman suggested, pending what the staff presentation will be, earmarking the meeting for 6:00 to 8:00, and send out the poll based on that timeframe. If there will be a lengthy staff presentation and they are expecting community involvement, feedback and comment, they could re-evaluate if the meeting needs to be longer.

Board Member Makinen felt they were proceeding in the right direction and that it is important that they get as many of the eligible properties listed on the inventory as possible. That would be his preference. He said they owe it to the people who do believe in historic preservation that they proceed in that direction.

Ms. French conveyed the consultant's concern that they make sure that the regular HRB meeting date of the 25<sup>th</sup> is still on the calendar and is specifically for the objections properties.

Vice Chair Rohman stated that is correct and has not changed.

### **Adjournment**

Motion by Vice Chair Rohman to adjourn. Seconded by Board Member Willis, the motion carried unanimously, by voice vote.