



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Planning and Development Services

Meeting Date: May 13, 2024

Report #:2404-2882

TITLE

CONSENT/Legislative: Amendments to Palo Alto Municipal Code (PAMC) Chapter 2.27, Historic Resources Board, Section 2.27.010 to Reduce Required Members from Seven to Five, Reduce the Required Number of Professionals from Three to Two, and Expand the Professional Fields Consistent with Certified Local Government (CLG) Requirements for Historic Resources Boards; and to PAMC Section 2.27.030 (a) and (b) to Reduce Regular Meetings to Once per Month and Reduce the Size of a Local Quorum to Three Members.

RECOMMENDATION

Staff recommends the City Council modify PAMC Sections 2.27.010 and 2.27.030 of the PAMC Chapter 2.27, Historic Resources Board to minimally meet CLG requirements. The goal is to:

1. Reduce the requirement to five members forming the City's Historic Resources Board (HRB);
2. Reduce the criteria requiring three subject matter professionals from three to two members;
3. Broaden the categories of professions to match the Certified Local Government (CLG), requirements for historic commissions;
4. Remove the code requirement for one member to be an owner/occupant of a category 1 or 2 historic structure, or of a structure in a historic district;
5. Reduce the number of regular meetings from twice per month to once per month and cite a minimum four meetings to be held per year as required for CLG programs; and,
6. Reduce the size of an HRB quorum to three members present in Palo Alto.

BACKGROUND

The HRB's goals and purposes (purview) are set in Palo Alto Municipal Code Chapter 2.27 Historic Resources Board, Section 2.27.040 Duties. These duties are to:

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

- b) Inform the architectural review board of the historical and/or architectural significance of historic commercial and multiple-family structures in the downtown area and any such buildings designated as significant elsewhere in the City that are under review by the Architectural Review Board. Submit recommendations to the Architectural Review Board regarding proposed exterior alterations of such historic structures
- c) Recommend to the council the designation of additional buildings and districts as historic. Research available information and add historical information to the inventory sheets of historic structures/sites. This inventory is maintained in the department of planning and development services
- d) Perform such other functions as may be delegated from time to time to the Historic Resources Board by the City Council

The City's historic preservation program includes the implementation of the 2017-2030 Comprehensive Plan historic preservation policies, which include:

- Policy L7.2 (Preparation of historic evaluations to determine eligibility for the California Register of Historical Resources)
- Policy L7.1.1 (Recommend eligible resources to the local inventory)
- Policy L7.1.2 (Reassess the Historic Preservation Ordinance)

PAMC Sections 2.27.010 and 2.27.030

The Palo Alto Municipal Code (PAMC) Chapter 2.27, Historic Resources Board, Section 2.27.010 establishes a *seven*-member board including *three* professionals in the fields of architecture, landscape architecture, building design or other design professionals. Members are not required to reside in Palo Alto, but with the current seven-member requirement, it is necessary for a quorum of five members to be present in Palo Alto for the HRB meetings. The current code states:

2.27.010 Historic Resources Board. The Historic Resources Board shall be composed of *seven* members appointed by the city council and serving without pay. Members shall have demonstrated interest in and knowledge of history, architecture or historic preservation. One member shall be an owner/occupant of a category 1 or 2 historic structure, or of a structure in a historic district; three members shall be architects, landscape architects, building designers or other design professionals and at least one member shall possess academic education or practical experience in history or a related field. The Palo Alto Historic Association shall be given notice of vacancies on the board and shall be encouraged to have its members submit applications.

The HRB has been holding at least 12 meetings each year for the past several years, as documented in annual work plans. The code states that two meetings per month will be held 'or at the pleasure of the chairperson'. There is an interest in reducing these meetings to once per month, which may help to encourage candidates to apply for the position. The code states:

2.27.030 Organization. (a) The Board shall hold meetings *twice monthly* or at the pleasure of the chairperson and shall establish such rules as may be appropriate and necessary for the orderly conduct of its business. The Board shall elect a chairperson and a vice chairperson from its membership who shall serve in such capacity for terms of one year each, or until a successor is elected. The chairperson shall preside over meetings of the board, and in the absence or disability of the chairperson, the vice chairperson shall perform the duties of the chairperson. (b) *Four* members shall constitute a quorum and decisions of the board shall be determined by majority vote of those members present at the meeting. Action minutes shall be kept by the Board.

Challenges for Recruitment

The City Clerk's office has often needed to pursue multiple recruitments for HRB positions and the HRB recently experienced members who had served multiple terms who then 'termed out'. The most recent recruitment for a seven-member HRB resulted in only one candidate application, from an incumbent member, for four open positions.

There are currently three HRB members whose terms did not end March 31, 2024. Four members are currently serving past their terms that ended March 31, 2024. Three of the four are now serving into the six-month timeframe prescribed in the City's rules, until Council appoints their successors. Under the current code, the next recruitment would need to find two additional design professionals and another member, given the one eligible incumbent, an architect, has applied.

With hybrid meetings enabling remote participation by board members, it can still be difficult to ensure a quorum of five members are present in Palo Alto to hold these meetings. If the code were amended to reduce membership to five members and two professionals with a broadened list of professions, the recruitment may yield one more candidate needed for a five-person board. Reducing the board to seven members would require a quorum of three members within Palo Alto, and modification to Section 2.27.030. Staff would continue to work with members' schedules to secure meeting dates allowing all members to attend.

Certified Local Government Board Requirements

The Office of Historic Preservation (OHP) has rules¹ for minimum number of members serving on a historic commission for a CLG, the minimum number of professionals, and the range of professions considered eligible to serve the professional positions. CLG procedures require local commissions to meet these requirements:

- A minimum of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.

¹ Link to OHP rules for commissions: <https://ohp.parks.ca.gov/pages/1072/files/clgrequirements.pdf>

- At least two members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community.
- Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation.

Certified Local Government Benefits

The City of Palo Alto is a Certified Local Government (CLG). Participation as a CLG² allows the City to apply for and receive federal grants annually to assist with the City's historic preservation program. The CLG program is:

- To encourage the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions and promote the integration of local preservation interests and concerns into local planning and decision-making processes.
- A partnership with local governments, the State Office of Historic Preservation (OHP) and the National Parks Service (NPS), which is responsible for administering the National Historic Preservation Program. CLG Responsibilities include:
 - Enforce appropriate state and local laws and regulations for the designation and protection of historic properties,
 - Establish an historic preservation review commission by local ordinance,
 - Maintain a system for the survey and inventory of historic properties,
 - Provide for public participation in the local preservation program, and
 - Satisfactorily perform responsibilities delegated to it by the state.

The NPS and OHP do not dictate the content of historic preservation plans or ordinances, nor is their approval needed prior to the selection and appointment of individual local preservation commissioners by local government officials. In no way is the autonomy of a local government decreased by being a CLG. However, the OHP may decertify a CLG if it establishes policies or adopts practices that violate the intent of the National Historic Preservation Act.

The OHP reviews the structure and processes of local preservation programs and may comment on or make suggestions about strategies a local government can use to accomplish its goals and objectives. Beyond that, neither the NPS nor OHP have any regulatory authority over local governments.

² Link to CLG Program information: https://ohp.parks.ca.gov/?page_id=21239

FISCAL/RESOURCE IMPACT

There is no significant cost reduction in publishing and mailing packets for five members instead of seven. Resources would be saved by reducing recruitments to fill five HRB seats.

STAKEHOLDER ENGAGEMENT

During March 28 and April 11 HRB meetings, staff announced the potential for reduction of the HRB, shared potential code language to modify the number of professionals and professions, and discussed reducing regular meetings. The HRB indicated support for all.

ENVIRONMENTAL REVIEW

This ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guideline Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ATTACHMENTS

Attachment A: Ordinance modifying PAMC Chapter 2.27 Sections 2.27.010 and 2.27.030

APPROVED BY:

Jonathan Lait, Planning and Development Services Director