

ObTo: David Loya, Planning Commission

From: Judith Mayer

About Historic Preservation Element Draft

Now: May 5, 2023 (a bit too late to be included in the email)

---

Here are some substantive comments and questions about the Draft Historic Preservation Element. I'm submitting "editing" suggestions separately to staff.

POLICIES::

**H-1 DESIGNATED HISTORIC LANDMARKS Objective:** Designate and preserve significant buildings, structures, and sites that are representative of the city's social and physical development .... **ADD at end** "Support property owners' efforts to preserve, restore, and adapt use of significant structures and sites for continuing significance."

**H-1b Local Historic Landmarks designations:** *The Policy should indicate WHO is responsible for determining Local Historic Landmark designation, even if the Overview material also explains this. Also, "... One or more of the following criteria shall be required for a structure or site to be eligible for listing, [ADD: here]: including that the structure, or historically significant features of the site, must be at least 50 years old. (This is important, since without it proponents could seek to list as "historic" locations commemorating potentially momentous but very recent events, with no additional features. There may be other ways to protect such sites, but they shouldn't be subject to historic preservation General Plan policies or Land Use Code designation.)*

**H-1d Design criteria for alterations of and additions to local Historic Landmarks:**

- *Specify the Review Authority as of 2023!*
- *"1. Any exterior modifications or alterations, including changes in materials" Elsewhere in this Element, similar policies specify that this is for modifications that require a building permit. In this case, the threshold is much lower, but is not specified. Presumably, that could include just slightly changing a paint color. (Also, in H-3c for the Plaza.) Let's specify thresholds or provide examples to avoid trivial and expensive review requirements.*

**H-7a Cultural Resources Project Review:** As part of the environmental and project review process, all proposed discretionary projects under the California Environmental Quality Act shall be subject to cultural resources sensitivity review by the local area Tribal Historical Preservation Officers (THPOs) ... *Under these conditions, ONLY discretionary projects subject to CEQA will be referred to the THPOs for review. With this language, under proposed ministerial approval processes for large new infill housing projects, those projects aren't discretionary, so aren't subject to CEQA review, and so wouldn't be referred to the THPO for Tribes' review. Even if the eventual permit requires work to stop if arch material is unearthed, damage could already be done. If we're proposing some means to determine whether a project meets "objective standards" that would allow for ministerial project approval, we should make sure that those "objective standards specified for streamlined approval of new housing or mixed use projects should include a THPO response to the City's request for THPOs to consider project plans."*