



Midpeninsula Regional
Open Space District

R-20-20
Meeting 20-04
February 26, 2020

SPECIAL MEETING AGENDA ITEM 1

AGENDA ITEM

Historic Structures – Review of Other Agency Policies and Practices

GENERAL MANAGER'S RECOMMENDATIONS

1. Review and discuss other park and open space agency policies and best practices related to the disposition of historic structures/buildings.
2. Based on a comprehensive review of internal policies and practices, confirm that no Board Policy changes are warranted; instead, the General Manager will proceed with making administrative procedural improvements and clarifications consistent with existing Board Policy, as stated in this report.

SUMMARY

This is the third in a series of public meetings to review with the Board of Directors (Board) the Midpeninsula Regional Open Space District (District) policies and practices related to historic resources. At this final meeting, District staff will present the comparative findings of other park and open space agency policies, procedures and best practices. After a thorough review of District policies, practices, and procedures; the recent historic resources training; and a comparison analysis of other park and open space agencies, the General Manager recommends keeping Board Policies status quo. Although a varying degree of specificity and purpose exists amongst the various Board policies that speak to historic resources, the overarching principles and implementation guidelines remain consistent and adhere to current rules and regulations. However, the General Manager proposes certain clarifications to internal administrative procedures, consistent with Board policy, to ensure consistency and oversight of staff application District-wide, which are noted in this report.

BACKGROUND

The Board held a historic structures study session on August 28, 2019 (R-19-117) to receive an overview of District historic resource policies, guidelines, and practices. A second study session on November 13, 2019 (R-19-28) provided the Board with an in-depth training by Page & Turnbull, who are qualified historic resources consultants, on historic resource definitions, rules, regulations, and requirements. Responses to Board questions raised during the August and November study sessions that required additional research are provided as Attachments 1 and 2. The focus of the February 26, 2020 study session is to provide a comparative overview on how the District and other park and open space agencies approach historic resources.

DISCUSSION

The District retained 2M Associates through a Request for Proposals issued in June 2019 to augment District staff on the research, analysis, and comparison of District and other public agency historic resource policies and practices. Patrick Miller, partner at 2M Associates, is a licensed landscape architect and planner. His experience includes open space and park planning, trail planning and design, and site planning, and he has worked extensively with public agencies throughout the Bay area. Mr. Miller also assisted in developing specific policies and guidelines that form the basis of the Coastal Service Plan.

2M Associates reviewed District policies for conflicts or internal inconsistencies. They also interviewed District staff to clarify how buildings and structures are evaluated and historic resources are addressed during acquisition, site planning, and repair or maintenance work. Their interviews extended to other land and resources management agencies about their processes and policies for addressing historic resources. 2M Associates then researched the policies of the cities and counties where the District owns lands to understand the various historic preservation policies and review processes that would apply to District projects located within those jurisdictions.

Findings – Comparison with Park and Open Space Agencies

The Historic Resources Policies and Practice Report (Attachment 3) aggregates 2M's research and findings. It is important to note that many regional *park* agencies have a much broader mission than the District that explicitly includes the preservation of historic and/or cultural resources – an element that is not included within the District's mission or the missions of other *open space* agencies. The research and interviews revealed commonalities as well as differences in other agency practices and approaches to historic resources.

There are clear shared understandings among most agencies about applying National Park Service, Secretary of the Interior's Standards. The extent to which there is a more focused effort on historic resource preservation is closely tied to whether historic preservation is an element within the agency mission. This difference affects levels of staffing, planning, and decision-making processes. For example, three agencies whose mission includes historic/cultural resources preservation (National Park Service, California State Parks, East Bay Regional Park District) have defined historic resources programs that are guided by historic context statements, and dedicated staff focused on the management of historic resources. Moreover, these agencies tend to focus on active rehabilitation of eligible or designated historic structures versus passive in-place preservation. In contrast, agencies like the District whose mission does not include historic/cultural resource preservation (e.g. Santa Clara Valley Open Space Authority, Sonoma County Agriculture and Open Space District) rely on outside qualified experts for technical assessments and guidance, and most often assess resources on a case-by-case basis. However, funding constraints and the capacity to address ongoing maintenance of buildings and structures appears to be a universal issue for all agencies.

Based on the research and interviews conducted, 2M Associates offers the following conclusions (refer Attachment 3).

- **Policy:** Existing District policies conform with laws, standards, and practices about the protection of historic and cultural resources. Additional policies could be added and/or existing policies rewritten or reorganized to further clarify the inventory, evaluation,

designation, and disposition of historic buildings and structures. However, key policy guidelines are already in the current District policies. Instead, the District may consider creating an administrative historic resources procedural guide that houses all the relevant District policies related to historic resources and other key information such as resource inventory, and schedule recurring trainings to ensure that staff are fully informed of the steps required for historic resources management. The guidebook and training would serve as a resource for both existing and new staff to ensure consistency of application District-wide and across time.

- **Technical Consistency:** District practices related to managing and documenting buildings and structures over 50 years old conform with the law. However, selected in-house communications and documentation practices could be strengthened in terms of maintaining the inventory and documentation of resources. Short of adding a staff position whose qualifications include cultural/architectural specialties and who would serve as a central point of contact related to management of cultural and historical resources, three actions are recommended:
 1. Update and refine the GIS data base and catalog system in conformance with historic building and structure standards.
 2. Centralize the written and photographic documentation of buildings and structures (and other cultural resources).
 3. Include training about cultural resource management across all staff levels.

General Manager's Recommendations

Based on a comprehensive review of Board policies that concludes that Board policies adhere to current legal requirements, are internally consistent, and do not have policy guidance gaps, the General Manager recommends keeping Board policies status quo. However, there is a potential benefit in improving administrative procedures to ensure consistency District-wide. As such, the General Manager will implement an administrative historic resources procedural manual that compiles all relevant Board policies, ensures compliance with federal, state, and local laws, and provides process clarifications as a resource tool for current and future District staff. In addition, the General Manager plans to update and refine the District's historic resources inventory and develop a centralized process for maintaining historic resources files. Finally, the General Manager will ensure that key District staff receive historic resources training.

At the February 26 Board meeting, the Board will review 2M's research results and consider whether they wish to modify the General Manager's recommendations.

FISCAL IMPACT

Board actions related to this Agenda Item result in no fiscal impact.

BOARD COMMITTEE REVIEW

Per Board direction, this item is being presented to the full Board.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This policy review is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved, the General Manager will proceed with implementing additional administrative tools and recurring training to assist with consistent and complete implementation of Board policies related to historic structures.

Attachments

1. Response to August 29, 2019 Board Questions
2. Response to November 13, 2019 Board Questions
3. Historic Resources Policies and Practices Report

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Attachment 1 – Response to Board Questions from August 28, 2019 Study Session

On August 28, 2019, Midpeninsula Regional Open Space District (District) staff presented an overview of District policies that pertain to historic resources. During Board comments, questions were raised regarding alignment and whether potential inconsistencies exist among the various District policies that speak to historic resources. The following table lists the various questions raised with District staff responses.

Note that the word “disposition” as used in Board policies is intended to mean the determination of what will be done with a structure, e.g. retain, rehabilitate, remove, etc.

<p>COMMENT #1:</p> <p>The policy statement of Policy 4.02, <i>Improvements on District Lands</i>, (page 1) “seems inconsistent with the Resource Management Policies and the Vision Plan (see excerpts below from the August 28, 2019 Board Report [R-19-117]) as it focuses on the compatibility to the objectives in the Basic Policy, without reference to the (required) steps identified in the Resource Management Plan and elsewhere.”</p> <p><u>Attachment 3 Board Policy Manual, Policy 4.02 <i>Improvements on District Lands</i> (page 1 of 4, under B. Policy Statement)</u></p> <p>All structures and other improvements existing on District lands at the time of acquisition are potential resources and as such will be considered for retention and will be addressed in site planning documents. The District will retain, renovate or build a structure or other improvement only if it is complementary to the objectives of the District outlined in the Basic Policy. Important considerations in the decision to retain or build an improvement will be its compatibility with the open space character of the site, its potential financial burden to the District in terms of liability and management, historic value, and its proposed use. Further considerations are outlined in the <i>Factors to Consider for Structures Disposition</i>, board policy 4.09. Improvements that don’t meet the criteria for retention will be removed as soon as practicable.</p> <p><u>Under the Open Space Vision Plan, page 4 of 7:</u></p> <p>The Vision Plan discusses overarching themes and goals that guide District work. The Natural, Cultural, and Scenic Landscapes theme includes goals related to cultural resources.</p> <p>Theme: Natural, Cultural, and Scenic Landscapes Subtheme: Steward Many Cultures</p> <ul style="list-style-type: none"> • Protect at-risk culturally significant resources and promote their responsible stewardship • Cultivate partnerships that preserve and/or enhance cultural resources • Increase interpretation of cultural resources <p>Subtheme: Sense of Place</p> <ul style="list-style-type: none"> • Maintain a sense of place by protecting and increasing access to locally significant, iconic natural or cultural features • Preserve the scenic backdrop and designated scenic corridors, emphasizing the view from major roadways and parklands • Preserve the character and scenic qualities of the coast and rural areas <p><u>Attachment 2 Summary of the Resource Management Policies with references to historic structures (page 2 of 14):</u></p> <p>Under Resource Management Mission Statement: Strategy 2- Provide an effective interdisciplinary program to protect and enhance natural and cultural resources. This program should include planning, interpretation, research, protection, maintenance, and monitoring practices. Strategy 9- Increase public knowledge, understanding, and appreciation of the natural and cultural resources of the preserves, and support for their conservation.</p>	<p>RESPONSE:</p> <p>The overview below explains how the District’s enabling legislation, governing code, and various policies relate to one another.</p> <p><u>Governing Code</u> The District was created in 1972 through voter initiation and is governed by its enabling legislation, Public Resource Code (PRC) 5500. Under the governance of PRC 5500, the District is guided by Board-approved policies that clarify agency principles and priorities, and the implementation framework to fulfill its mission: to preserve land, protect and restore the natural resources, provide low-intensity public access and education, and also on the coast: preserve rural character and encourage viable agricultural uses of land resources. Developed over the almost 50-year lifespan of the agency, the District’s Board-approved policies together provide fundamental guidance that informs Board decisions and the day-to-day staff work.</p> <p><u>Board-approved policies that establish District principles and priorities</u> Policies establishing District principles and priorities include the Basic Policy, Strategic Plan, Vision Plan, Measure AA, and Coastal Service Plan.</p> <ul style="list-style-type: none"> • In 1999, the Board of Directors developed a Basic Policy to affirm the mission, purpose, strategic direction, and key elements of District operations. The Basic Policy provides high-level, broad policy direction from which other more specific District policies are developed that guide policy implementation. • Adopted in 2003, the Coastal Service Plan – part guiding principles and part implementation actions – affirms the services and policies that the District will apply to all its activities on the San Mateo County Coast related to land conservation, resource management, public access, and agriculture. • Adopted in 2011 and updated annually in response to emerging opportunities and challenges, the Strategic Plan Goals and Objectives balances the District’s mission of land conservation, stewardship, public access, and agriculture. The annual goals and objectives guide the annual development of the capital improvement and action plan, and budget. From the 2011 strategic planning process came the following priority setting and implementation policy documents: <ul style="list-style-type: none"> ○ Vision Plan – Completed in early 2014, the Vision Plan serves to focus, inspire, and coordinate open space conservation and management on the San Francisco Peninsula, San Mateo Coast, and South Bay regions over the next 40 years. The Vision Plan identifies 54 priority actions, divided into two tiers, to guide the annual work plan and allocation of staffing and funding resources. ○ Measure AA – Approved by voters in 2014, this \$300 million general obligation bond provides a separate capital funding source for the top tier (top 25) Vision Plan priority actions. Under Measure AA, the District is committed to completing the top tier Vision Plan projects by 2044 (30-year timeframe). <p><u>Policies about Implementation</u> Policies that establish how the District implements the mission, principles, strategic goals, and priorities are contained within the Board Policy Manual, Coastal Service Plan (implementation actions), and various policies, including the Resource Management Policies and Integrated Pest Management Policies. These policies guide how work is performed by District staff.</p>
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	<ul style="list-style-type: none"> • The Board Policy Manual incorporates Board-approved policies and organizes them in a series of chapters: <ol style="list-style-type: none"> 1. Administration & Government (1.01 – 1.11) 2. District Personnel & Board Support (2.01 – 2.03) 3. Fiscal Management (3.01 – 3.09) 4. Acquisition & Management of District Lands (4.01 – 4.11) 5. Historical/Cultural (5.01 Site Naming, Gift, and Special Recognition – 5.02 Good Neighbor Policy) 6. General (6.01 – 6.08) • In addition to the policies in the Board Policy Manual, there are Resource Management Policies and Integrated Pest Management Policies that further guide District practices. <ul style="list-style-type: none"> ○ Last revised in January 2019, the Integrated Pest Management Program Guidance Manual directs the management of harmful invasive plants, invasive animals, weeds, flammable vegetation near facilities, and rodents and insects in District-owned buildings. Each year, staff consider whether to forward updates to the Board for consideration of approval based on new scientific findings and other newly gathered information. ○ Last revised in 2018, the Resource Management Policies guide the District in land and resource management, protection, and stewardship. <p>District staff routinely review Board policies and apply the pertinent policies and procedures to each Board-approved project or activity. When items are brought to the full Board for approval, pertinent Board policies are referenced in each Board report, when relevant, as background information. In the context of historic buildings and structures, the Basic Policy and Resource Management Policies provide broad, high-level guidance about the District’s mission, land and resource management, protection, and stewardship. Board Policies 4.01, 4.02, 4.08, and 4.09 (mentioned in the August 28, 2019 Board report) provide specific procedural guidance that informs how the implementation actions are carried out by staff. As an example of a specific procedural guidance, the Resource Management Policies refer back to Board Policy 4.02, as excerpted below.</p> <p style="text-align: center;"><i>“The District has adopted “Policies Regarding Improvements on District Lands” to provide a public process used to assess and determine whether District structures and improvements are cultural resources, and how they can most appropriately be managed.” (p. 40, Resource Management Policies)</i></p> <p>The District’s work plan, including the activities, programs, and projects that the General Manager and staff carry out, are guided by the full mosaic of Board-approved policies – both those that are high level and establish the District’s principles, goals, and priorities, and those that are more specific and provide procedural guidance to inform the implementation actions.</p> <p>In carefully reviewing the full suite of policies (e.g. policies that either set the principles, goals, priorities, or guide the implementation actions), District staff found varying levels of specificity and cross-referencing among the policies. However, there were no conflicts identified amongst these policies related to historic structures.</p>
<p><u>COMMENT #2:</u></p> <p>Who determines when a historic resources evaluation must be completed and the steps to follow for the evaluation; who determines whether the work should follow the Secretary of State Standards? – this question pertains to the policy language in Board Policy 4.02, <i>Improvements on District Lands</i> (bottom of page 1 of 4, under B. Policy Statement), which states:</p> <p style="padding-left: 40px;">Structures or improvements should be evaluated at the time of acquisition, during the site planning process and when renovations in excess of \$200,000 or that exceed the value of the structure are required.</p>	<p><u>RESPONSE:</u></p> <p>District staff hire a qualified historic resources consultant to evaluate potential historic structures at the time of a proposed land acquisition, during the early part of a site planning project (e.g. new preserve plan or site plan), and before implementing renovations or repairs when these activities may affect or include <u>a structure that is 50 years or older</u>. Approximate age is determined through tax records, historic aerials and USGS maps, prior owner interviews, property file research, county file research including permit history, and visual inspection.</p> <p>Findings, options with order of magnitude costs, and recommendations are brought to a Board Committee (Real Property Committee or Planning and Natural Resources Committee) or the full Board to seek further direction on the use and management (disposition) of the structure.</p>

COMMENT #3:

The policy statements listed below do not reference historic significance determinations or other related historic structure assessment requirements. Without such reference, it appears that these policy statements can be independently interpreted (i.e. actions carried out without consideration of other policies or historic resource requirements). Also, the General Manager’s authority related to structures that are 1500 square feet (or less) is so large as to include barns, cabins, etc., that may be of Board interest.

From the August 28, 2019 Board Report (R-19-117), Attachment 3 Policy 4.02 Improvements on District Lands (top of page 2 of 4, under B. Policy Statement):

The Board will review and approve the demolition of residential structures of any size, any structure in excess of 1,500 square feet, and any structure determined to be historically significant. The Board must also approve the construction of a residential structure of any size or any structure in excess of 1,500 square feet.

The General Manager or his/her designee may authorize the demolition of any structure that does not meet the guidelines above as well as any structure that has had a major structural failure such as a collapsed wall or roof.

RESPONSE:

The two policy statements that are referenced in the comment are fully informed by the preceding and succeeding policy statements from Policy 4.02 *Improvements on District Lands*. For full guidance on historic structures, staff refers to all elements of Policy 4.02, which states that the Board retains review and approval of any proposed demolition regardless of the size if a structure is found to be historically significant. More specifically, the top of page 2 of Policy 4.02 reads as follows:

“The Board will review and approve the demolition of residential structures of any size, any structure in excess of 1,500 square feet, and any structure determined to be historically significant.”

COMMENT #4:

Under Section Policy 4.02, Section C., the discussion around improvements that contribute to the character of a site only references economic feasibility, which is one important factor, but not the only factor that should be considered.

From the August 28, 2019 Board Report (R-19-117), Attachment 3 Policy 4.02 Improvements on District Lands (top of page 3 of 4, under C. Discussion)

Some structures associated with agriculture or other former uses of the site can contribute significantly to the site without detracting from its open space character. When economically feasible within the constraints of the land management budget, examples of these structures will be retained, maintained, and when possible put to use.

RESPONSE:

The Policy Statement in Policy 4.02 (page 1) references Policy 4.09, *Factors to Consider for Structure Disposition*, which lists a range of factors to consider for informing the decision-making process on the future use and management of a structure. While not the only factors to consider, financial feasibility and impact have been raised in the past by the Board and is noted in several Board-approved policies, including the Basic Policy and Resource Management Policies.

In particular, the Basic Policy specifically calls out the following: “due to the high cost of evaluating, managing, and restoring such [historic] facilities, the District depends on grant assistance, public-private partnerships, and outside assistance to support these activities.” The very specific language incorporated in the Basic Policy regarding the dependence on outside funding support or partnerships to retain and protect historic structures indicates that cost has played a significant factor in informing Board decisions on historic structures disposition. In comparison, open space preservation, restoration, or recreation activities are not called out as being dependent on outside funding sources or partnerships.

<p><u>COMMENT #5:</u></p> <p>The following policy language would be clearer if it referenced the requirements and processes stated in other relevant policies:</p> <p><u>From the August 28, 2019 Board Report (R-19-117), Attachment 4, Policy 4.09 Factors to Consider for Structures Disposition (top of page 1 of 4, under Purpose):</u></p> <p>Disposition of existing structures or the construction of new structures requires, at a minimum, an evaluation of existing conditions, a determination of the structure’s value to the District and its constituents, short-term and long-term costs, maintenance, and staffing requirements. These factors provide a framework for discussion to assist the Board with considering the disposition or construction of a structure and to provide the public with an understanding of the factors that normally must be considered as part of the decision-making process.</p>	<p><u>RESPONSE:</u></p> <p>While Policy 4.09 does not specifically reference requirements and processes, as mentioned in the response to Comment #1, District staff refer to all Board policies for policy guidance that pertains to the activity or project being implemented. As a reminder, the August 28, 2019 Board report listed and summarized all Board policies that relate to historic structures. In addition, staff would follow the <i>Secretary of the Interior’s Standards for Treatment of Historic Structures</i> to inform District actions for structures that are deemed historic.</p> <p>The General Manager proposes creating an internal administrative procedural manual for the management of historic resources that compiles all relevant Board policies, highlighting the pertinent policy language. This manual would serve as a one-stop resource binder for current and future staff.</p>
<p><u>COMMENT #6:</u></p> <p>It seems that the various policies have been developed over time and perhaps in response to an emerging issue and perhaps not in full consideration of existing policy and planning documentation. When this happens, there can be inconsistencies amongst the policies, or incomplete implementation of policies if staff and the Board are expected to reference separate policies, leading to potential oversights and errors. In an effort to avoid creating more work, and rather reduce it while providing clarity, can some of these policies be collapsed into fewer documents? For instance, Attachment 4 seems to be a subset of 3. Collapsing/combing these policies would reduce the total policies by one and avoid the need for cross referencing. Another possibility may be to list the steps in evaluation, determination, and considerations regarding cultural resources and reference this information in relevant policies and documents.</p>	<p><u>RESPONSE:</u></p> <p>Comment noted. District staff refer to all the Board policies to find those that pertain to the activity or project being implemented.</p> <p>One option to ensure that all relevant policies are referenced when considering the disposition of historic structures is to create a historic resources procedural manual as noted in the response to Comment #5. This manual would be used by staff and the pertinent policies referenced in future Board reports when the Board considers taking an action that may affect a historic resource. This approach acknowledges that there are multiple Board policies that speak to the principles, goals, priorities, and implementation actions related to historic structures.</p>
<p><u>COMMENT #7:</u></p> <p>At the top of page 44 of the <i>Resource Management Policies</i>, under Policy CR-3, one of the implementation measures can be further clarified by stating that the identification of unlisted, unevaluated historic resources requires specialized training as follows (suggested edits shown in tracked changes):</p> <ul style="list-style-type: none"> • Provide District staff with basic training <u>on the methods of how to identify and protect</u> cultural resources <u>are identified and protected</u>. 	<p><u>RESPONSE:</u></p> <p>Comment noted. If directed by the full Board, the Resource Management Policies can be revised as suggested.</p> <p>The General Manager proposes to administratively add a historic resources training for all key staff (project managers and other staff responsible for implementing capital and maintenance projects related to historic structures) to the list of recurrent staff trainings. Such a training would be conducted by a qualified historic resources professional and provided every two to three years for both new and existing staff (as a refresher).</p>
<p><u>COMMENT #8:</u></p> <p>In the middle of page 44 of the <i>Resource Management Policies</i>, under Policy CR-4, one of the implementation measures could be change as follows to highlight the need for specialized training to assess historic structures (suggested edits shown in tracked changes):</p> <ul style="list-style-type: none"> • <u>Provide District staff with basic training on the methods of how to</u> assess the condition, identify needed repairs, and prepare maintenance plans for significant high priority historic structures as funds allow. 	<p><u>RESPONSE:</u></p> <p>Comment noted. If directed by the full Board, the Resource Management Policies can be revised as suggested.</p> <p>As noted in the response to Comment #8, the General Manager proposes providing a recurring historic resources training for all key staff that covers current laws and regulations, when a historic assessment is triggered, the steps for assessing historic significance, pertinent CEQA guidelines and review process, internal and external project review and approvals, and best practices for conducting ongoing maintenance and minor/major repairs.</p>



Attachment 2 – Response to Board Questions from the November 13, 2019 Historic Preservation Training

On November 13, 2019, the Board received a historic preservation training from Page & Turnbull. During the meeting, questions were raised requiring this follow-up response. To prepare this response, District staff consulted with Santa Clara County Planning staff on the County's historic preservation ordinance.

***Q1:** In Santa Clara County, what are the implications of a building that is (1) **listed** on the County's Heritage Resource Inventory, (2) designated a County **Landmark**, or (3) **eligible** to be either listed on the heritage inventory or a landmark? How does this affect what the District may do with the structure and the steps that are required?*

Permitting Differences

The County permitting process is different for a landmark structure versus a structure that is simply listed or eligible to be listed (i.e. with no landmark status). Landmark structures require higher standards of County permitting review and trigger a Landmark Alteration Permit for any proposed exterior alteration (or demolition). This includes exterior maintenance activities and minor repair work, such as repainting, replacing windows/doors, repairing exterior drainage conduits, and replacing exterior board cladding. The Mount Umunhum radar tower is a listed but non-landmark structure. Since this structure is not a landmark, the District is able to proceed with the Board-approved Long-Term Repairs without triggering a Landmark Alteration Permit. If the structure were designated as a landmark, then a Landmark Alteration Permit would have been triggered, requiring review and approval by the Historical Heritage Commission and County Planning Director for major alterations or only review and approval by the County Planning Director for very minor alterations (see below for greater discussion on Landmark Alteration Permit Review Process).

Structures that are on the heritage inventory list or considered eligible, with no landmark status, are not subject to a Landmark Alteration Permit for minor exterior alterations, including minor exterior repair work. For these structures, a Landmark Alteration Permit is only triggered for demolition. For example, a Landmark Alteration permit was required in the District's application to remove several structures located at the Alma College site, because this site is listed on the County heritage inventory. Note: although the structures that will be removed are *not deemed* individually historically significant, because they are located on the larger, listed Alma site, this permit requirement still applies.

Regardless of status (landmark or listed), a Landmark Alteration Permit is not required for interior preventative maintenance or work that does not affect the *exterior* appearance of the structure.

Structures that have no landmark designation and are not on the heritage list, but may be considered eligible (given the results of a historic assessment), are not subject to the Landmark

Alteration Permit for any activities (i.e. minor or major alterations or demolitions). Only ministerial County permits apply (i.e. standard demolition or building permits).

Landmark Alteration Permit Review Process

The Landmark Alteration Permit process is an additional County permit approval (separate from standard Planning and Building Permits) that extends project implementation timelines and adds cost. For example, the Landmark Alteration Permit for the Alma College Rehabilitation Project required an additional 5 (five) months of permit review, as well as additional costs for consultant assistance to prepare the permit submittals/attend hearings and to pay for permit review fees.

For major alterations (landmark structures only) or a demolition (landmark and listed), the Landmark Alteration Permit is subject to a discretionary review at public hearings by the Historical Heritage Commission (*Article III, Landmark Alteration Permit, Sec. C17-15*). The Historical Heritage Commission reviews the permit application and the Commission's recommendation is provided to the Director of the Department of Planning and Development (Planning Director) who will approve or deny the permit.

Small alterations of landmark structures may be eligible for a Small Project Review, which only requires review and approval by the County Planning Director (does not require review by the Historical Heritage Commission). The County Planning Director must first determine that the proposed alteration to the designated structure meets the following Small Project Review criteria:

1. Involves removal of features that do not contribute to the landmark's significance.
2. Does not change exterior features.
3. Window and door replacements match the existing or original.
4. Any addition is less than 200 square feet for side and rear elevations.
5. Work does not negatively affect the integrity of the landmark.
6. Work is consistent with the Secretary of the Interior's Standards

Other Relevant Background Information

County Heritage Resource Inventory

Santa Clara County maintains a Heritage Resource Inventory of historic resources and designated landmarks. Recommendations for additions to the inventory are forwarded by the Historical Heritage Commission to the Board of Supervisors for approval.

The County defines a historic resource as a building, structure, object or site that:

1. Potentially meets/is eligible for landmark designation (does not require historic assessment documentation for confirmation);
2. Is a designated landmark (requires historic assessment documentation); or
3. Is listed in federal or state registers.

Issuance of a notice that a structure is being considered for inclusion on the heritage inventory is provided by mail to the property owner at least 30 days prior to the Historical Heritage Commission and Board of Supervisors meetings, and again after Board of Supervisors' approval. Owner consent is ***not required*** for the County to add a resource to the inventory.

County Landmark Designation

A landmark designation requires a formal public process and may be initiated by any of the following:

1. Property owner or authorized representative;

2. Historical Heritage Commission; or
3. Board of Supervisors.

Regardless of who initiates the designation process, final landmark designation ***requires landowner consent*** and approval by the County Board of Supervisors. To inform the determination of a landmark designation, a historic assessment must be completed by a qualified expert who meets the professional qualification standards published by the National Park Service in the Federal Register (Code of Federal Regulation, 36 CFR Part 61), as determined by the State Office of Historic Preservation. The historic assessment must find that the structure meets the following criteria:

1. Fifty years or older.
2. Retains historic integrity.
3. Meets one or more of the following criteria of significance:
 - a. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
 - b. Associated with the lives of persons important to local, California or national history;
 - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
 - d. Yielded or has the potential to yield information important to the pre-history or history of the local area, California, or the nation.

Q2: How does the CEQA review process differ with a building's historical status (e.g. listed on a local inventory, designated as a landmark, or considered to be eligible for listing)?

For compliance with the California Environmental Quality Act (CEQA), the District would follow the CEQA guidelines to identify a project's potential impacts on historical resources, regardless of whether a building is listed, landmarked, or eligible for listing.

Broadly, the goals of CEQA are for California public agencies to identify the significant environmental effects of their actions and, either (1) avoid those significant environmental effects, where feasible; (2) mitigate those significant environmental effects, where feasible; or (3) adopt of statement of overriding considerations explaining why the benefits of a project outweigh its unavoidable adverse environmental effects.

To determine if there is a significant impact to an historic resource, CEQA provides a two-part test: (1) is the resource "historically significant" and (2) would the project cause a "substantial adverse change" in the significance of the resource?

Any structure that is listed as a historic resource at the federal, state, or local level automatically is included in the CEQA review. If a District project has the potential to affect a structure that is not listed and/or for which its historical status is unknown, a historical assessment evaluation will be completed if the structure is determined to be over 50 years old. This assessment is completed to confirm the historic significance and whether such a structure needs to be included in the CEQA review. The District has numerous methods for determining whether a structure is 50 years or older to trigger a historical assessment evaluation: prior owner information; historic aerial mapping; title information; review of past County/City permit files; etc.

As part of this process, the District would retain a qualified historic preservation consultant to assess the structure using the criteria for listing found in the California Register:

- A. Structure is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- B. Structure is associated with the lives of persons important in our past;
- C. Structure embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
- D. Structure has yielded, or may be likely to yield, information about prehistory or history.

If a structure is deemed to be historically significant, the historic preservation consultant will work closely with District staff to adjust the project description where possible to reduce or avoid impacts, prepare the CEQA analysis, and if needed, develop mitigation measures that follow the National Park Service Secretary of Interior's Standards. In addition, the District will consult with the appropriate County or City permitting agency on the proposed project approach and permitting requirements. For example, the District consulted and coordinated with Santa Clara County Planning Department during permit review of the Alma College Cultural Landscape Rehabilitation Plan on cost-effective and resource-protective approaches that address public safety concerns while still retaining and interpreting key elements of the cultural landscape to move forward in opening the site to public access. In the end, the County supported the removal of six non-historic, dilapidated structures while highlighting the remaining landscape features and retaining, stabilizing, and interpreting two other structures that are deemed to be individually historically significant.

No additional CEQA review is necessary when future activities that may affect a historic resource have already been previously analyzed in a prior CEQA document. For example, the ongoing repair and maintenance of the radar tower at Mt Umunhum had been previously analyzed in the 2010 Environmental Impact Report (EIR). Since the recent Board-approved maintenance and repairs are consistent with this prior CEQA analysis, no additional CEQA review was required.

###

Historic Resources Policies and Practices Report:
A Comparison Overview of Agency Policies, Practices, and Processes



Picchetti Winery, Picchetti Open Space Preserve

February 26, 2020

2M Associates
Landscape Architecture. Planning. Horticulture.

Tina Hugg, Senior Planner, Planning
Midpeninsula Regional Open Space District

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Introduction

This **Historic Resources Policies and Practices Report** offers an analysis and comparison of District processes and those of other park and open space agencies related to historic resources, the goal being a better understanding of standard best practices of similar organizations in relation to the District's policies and practices. The report further reviews whether there are potential conflicts among existing District policies regarding the use and management of historic resources.

1. Purpose and History of the District

The late 1960s was a time of rapid growth in the Bay Area. As tract housing and commercial development began to dominate the "Valley of Heart's Delight," concern for the preservation of the midpeninsula's irreplaceable foothill and bayland natural resources mounted among open space advocates.

Through the determined and heart-felt efforts of local conservationists, the Midpeninsula Regional Open Space District was created by successfully placing a voter initiative, Measure R, on the ballot in 1972. The sentiment behind Measure R captures the intent and purpose for forming the agency.

Measure R will preserve open space by creating the Midpeninsula Regional Park District. Open space is our green backdrop of hills. It is rolling grasslands - cool forests in the Coast Range - orchards and vineyards in the sun. It is the patch of grass between communities where children can run. It is uncluttered baylands where water birds wheel and soar, where blowing cordgrass yields its blessings of oxygen, where the din of urban life gives way to the soft sounds of nature. It is the serene, unbuilt, unspoiled earth that awakens all our senses and makes us whole again ... it is room to breathe.

Some historically significant dates that define the District's role and policies include:

- November 7, 1972. The voters of Santa Clara County approved the passage of Measure R for the creation and establishment of the Midpeninsula Regional Park District for the primary purpose of acquiring and preserving open space lands on the mid-peninsula. The District annexed the southeastern portion of San Mateo County in 1976 and annexed a small portion of Santa Cruz County in 1992. In 2004, the District expanded its boundaries to the San Mateo County coast side.
- March 27, 1974. The Board of Directors adopted the Basic Policy containing five major objectives to guide the District in its effort to preserve open space (R-74-4). The latest revisions to the Basic Policy were approved by the Board on March 10, 1999.
- March 30, 1977. The Board adopted a resolution to change the District's name from "Midpeninsula Regional Park District" to "Midpeninsula Regional Open Space District" to clarify the District's goals and activities focused on open space conservation. The Board desired to eliminate confusion and distinguish the District from traditional parks and recreation agencies. Board resolution no. 77-14 is included as Appendix E.

Since its inception, the District's mission has focused on open space preservation efforts, where general District funding has been expended to fulfill these objectives and implementation actions. It is noteworthy to highlight that the Basic Policy identifies land preservation as the

District's primary focus, with public access and restoration work as secondary elements of the mission that can be constrained based on funding/expenditure guidelines (this was later changed with passage of the 2011 Strategic Plan, which now calls for a balanced implementation of the mission). Moreover, the Basic Policy does consider the preservation of historic resources, but identifies this work as dependent on outside funding sources and partnerships. In other words, the Board made a delineation to reserve its General Funds for core elements of its mission: land conservation, restoration, and public access. Consistent with this principle, the District has historically worked closely with partners and tenants to protect and maintain historic structures, and has actively secured outside grant funds to cover a portion of the costs. Examples include the Fremont Older House, Picchetti Winery and Blacksmith Barn, and Grant Cabin.

More recently, in 2014, local voters approved Measure AA, a \$300 million general obligation bond to fund the top 25 priority actions listed in the District's 2014 Vision Plan. These 25 priority actions include specific cultural and historical resource projects within a broader array of land conservation, natural resource stewardship, public access, and agriculture-support projects. The Basic Policy directive to seek partnerships and/or outside funding for historic resources continues through Measure AA. In essence, Measure AA provides the outside source of funding to cover preservation, stabilization, and/or rehabilitation costs of the historic structures and sites listed in the Measure AA Expenditure Plan, keeping the General Fund reserved for core mission work. Since 2014, the District has spent approximately \$1.6 million in Measure AA funds to preserve cultural and historic resources. Approximately an additional \$8 million in Measure AA funds is planned to be allocated for historic and cultural resources during the current and upcoming fiscal year. These projects include the Alma College Rehabilitation, Dear Hollow Farm White Barn, La Honda Creek Redwood Cabin, and La Honda Creek White Barn.

2. Consistency Review of District Policies

While organic in nature, and allowing for slightly different terminology used, a comparison of District policies, goals, and guidelines about historic buildings and structures finds no internal conflicts. Appendix A presents a table that summarizes the District's policy and planning documents related to historic resources and how they interrelate.

3. District Historic Properties Evaluation and Inventory Approach

Multiple departments within the District administer the identification and disposition of historic buildings and resources: Project Planning and Delivery (Real Property, Planning, Engineering and Construction); Visitor and Field Services (Land & Facilities); and Finance and Administrative Services (Information Systems and Technology). In the past two to five years, staff have updated District practices in evaluating and documenting historic buildings. However, developing a staff reference tool of specific procedures presents an opportunity for an administrative improvement to ensure consistency District-wide for the evaluation of historic buildings and structures. A summary is provided in Appendix B.

4. Regulatory Agency Policies and Practices Regarding Historic Resources

The District, depending on the historic building or structure project, may be required to secure permits from the County of Santa Clara, the County of San Mateo, or one of the cities and towns within the District's boundaries. Appendix C overviews these agencies, the designated advisory groups involved, the status of their historic building inventory, if they have an adopted statement of historic context, if they are a certified local government by the State Office of Historic Preservation that applies for grant funding, and the ordinance requirements for owner maintenance of listed buildings or structures.

5. Interviews

To understand how other agencies address their historic resources, 2M Associates interviewed Planning staff from the following organizations about their agencies' policies, inventory, designation, disposition, staffing, and general funding related to historic buildings and structures.

Park and Open Space Agencies with Historic Resources

(with delineation on whether agency mission includes historic/cultural preservation)

- California State Parks, Monterey District
 - *Mission includes: "...protecting its [California's] most valued natural and cultural resources..."*
- East Bay Regional Park District
 - *Mission includes: "...preserves a rich heritage of natural and cultural resources..."*
- Marin County Open Space District *
- Napa County Regional Parks and Open Space District
- National Park Service, Golden Gate National Recreation Area
 - *Mission includes: "...to preserve and enhance the natural, historic and scenic resources of the lands north and south of the Golden Gate..."*
- Santa Clara County Parks
- Santa Clara Valley Open Space Authority*
- San Mateo County Parks
 - *Mission states: "...San Mateo County Parks preserves our County's natural and cultural treasures...."*
- Sonoma County Agriculture and Open Space District*
- Sonoma County Regional Parks
 - *Mission includes: "...preserves irreplaceable natural and cultural resources..."*

* Agencies with a similar mission to the District.

Counties, Cities, and Private Institutions that Regulate or Manage Historic Resources

- City of Palo Alto
- Town of Portola Valley
- San Mateo County Planning

- Santa Clara County Planning
- Stanford University

6. Findings

The following sections summarize the main findings obtained from these interviews about addressing historic buildings and structures. It is organized by commonalities, variations and differences, marked differences, and lastly a few separate specific considerations that may be of interest to the District.

*It is important to note that most agencies have a **much broader** mission that includes the preservation of historic and/or cultural resources as compared to the mission of the District that focuses on the preservation of regional open space, natural resource stewardship, and public access, and for the San Mateo County coastside also includes preservation of rural character and agricultural use of land resources.*

- a. **Common Denominators:** In the context of identifying, evaluating, and disposing of historic buildings and structures, there are a few common references and practices shared by essentially all regional land and resource management agencies, including the District.

Listing, Eligibility, and Designation:

- All agencies refer to the *National Park Service (NPS) Secretary of the Interior’s Standards for the Treatment of Historic Properties* and related criteria in evaluating buildings and structures for their historic significance. Terms such as “local”, “county”, or “region” are added to the designation criteria definitions. Example: Santa Clara County Historic Preservation Ordinance (Division C17, Article II)
- Although state code (CCR § 4852) allows for consideration of an “exceptionally important” building to be designated as historic at any age, the federal 50-year threshold for qualification (36 CFR Part 60) is used as the primary basis by all agencies to address historic buildings and structures.
- The counties, cities, and towns within the District boundaries all maintain listings of historic buildings. In some cases, listings are contained in the jurisdiction’s General Plan. The updating of the listings varies widely.
- With the exception of the National Park Service (NPS) and California State Parks (State Parks), whose mission both include the protection/preservation of cultural resources, regional agencies generally do not proactively advocate for the historic listing of buildings on their properties at any level. The reasoning relates to the emphasis on either the individual agency mission related to open space and recreation, the costs to preserve a building in place, or the costs to rehabilitate, restore, or reconstruct historic buildings.
- Rehabilitation (versus Preservation, Restoration, or Reconstruction) is the most common treatment implemented for listed buildings and structures in park and open space areas.

Treatment Policies: Criteria in Federal and State guidelines and the State Historic Building Code (CCR Title 24, Part 8) related to the treatment of eligible or designated buildings generally provide guidance on how historic buildings are maintained and managed.

- b. **Variations and Differences:** Within the context of common reference to federal and state laws and standards, there are a number of practical, day-to-day considerations that are addressed a bit differently between individual park and open space providers. Differences are related, among other items, to such considerations as nomenclature, documentation, disposition (maintenance and demolition), and budget allocations related to historic buildings and structures.

Terminology:

- Terminology across jurisdictions appears to be inconsistent. Evaluation of historic resources involves a strict nomenclature. Although they are technically different, the terms “historic buildings” and “historic structures” are often used interchangeably. A building is generally considered to have a roof and walls and is intended for the shelter of persons or animals. A structure is a functional construction not used for sheltering human activity.
- Another area where the use of terms vary between agencies has to do with listings, eligibility, and landmarks. It is sometimes unclear if such terms, when used, apply to local, state, and/or federal status. Each jurisdiction has a different type of list or process to administer historic resources.
- For the purposes of District projects, a glossary of key words related to the District’s evaluation of buildings and structures is included in Appendix D.

Documentation

- Documentation of the historic attributes of buildings generally consists of completing the State’s *Building, Structure, and Object Form (DPR 523b form)*. Various agencies’ historic evaluations do not always include the completion of the DPR 523b form.
- Photo documentation requirements may or may not follow the *Secretary of the Interior’s Standards and Guidelines for Architectural and Engineering Documentation* that are often but not consistently cited as mitigation requirements for buildings to be demolished.
- The East Bay Regional Park District is unique in that it has an active program of curation and collections management for artifacts, documents, photographs, and other historical memorabilia.

Maintenance and Alteration

- There is no standard to clearly define “maintenance” vs. “alteration” of a historic building or structure. In-kind or largely similar replacement is the typical approach for maintenance.
- Virtually every agency faces the challenge of insufficient funding for the maintenance of listed and designated historic buildings within its jurisdiction.
- “Asset Management Plans” or similar annual budgeting reports are most often used to prioritize maintenance of buildings whether they are historic or not. Prioritization

- includes such criteria as: the mission of the agency; the quality of the visitor experience; accessibility; public health and safety; and resource impacts.
- The Santa Clara County Parks Department prepared an *Unused Structures Inventory Project Action Plan* that is similar to an asset management plan to inform the strategic allocation of limited staff and funding resources. This plan recognizes the agency's need to strike a balance between recreation, public safety and natural resource protection with historic preservation, particularly of buildings with potential reuse.
 - Partnerships with non-profits and volunteers are the most common tools to help offset maintenance and alteration costs – Example: Sonoma County Parks and Open Space.
 - Limited success lies in managing and maintaining only historic structures that can generate income – Example: Napa County Parks and Open Space
 - Exterior alterations to historic buildings or structures listed on a local inventory or designated as a local landmark require agency consultation and likely permitting in any local jurisdiction within which the District operates.

Demolition

- Consideration is sometimes made as a normal practice to remove buildings that have no operational benefit (e.g., housing; storage) or long-term anticipated public use if less than 50 years old.
- Demolition of a historic building that is listed on a local inventory or designated as a local landmark requires agency consultation and permitting in any local jurisdiction. Based on its local ordinances and codes, a local jurisdiction would require additional permitting such as a landmark alteration permit prior to applying for a demolition permit, which often involves public review that can challenge the justification for the demolition.
- The typical mitigation palette used to varying degrees by regional park and open space providers for demolition of eligible or designated historic buildings includes:
 - Oral histories
 - Construction measures (dust control; lead/asbestos removal; habitat monitoring).
 - Moving the building to another site if it is technically possible to do so.
 - Complete documentation of the building (architecture and history report; plans, descriptions, and photos using NPS standards).
 - Salvaging / reuse of building materials.
 - Interpretation (internet; signs; programs).

Example: East Bay Regional Park District – Ardenwood Farm Historic Buildings Demolition Project Environmental Impact Report.

- As a best practice, some regional park and open space agencies include the same mitigation measures listed above but with less stringent salvaging and documentation requirements for the demolition of buildings that are over 50 years old yet are not listed as eligible or designated as historic.
 - Buildings of any age that have been identified for demolition, whether historic or not, are sometimes burned for fire department practice and enjoy a cost savings.
- c. **Marked Differences:** There are a few clear differences in the way park and open space agencies approach the management of historic buildings and structures. These are directly

related to staffing and planning processes. Based on research, agency consultations and interview findings, the following are notable distinguishing factors between the District and other agencies:

Staffing

- The National Park Service and California State Parks specifically include historic interpretation and protection in their mission statements and have designated and qualified staff for cultural resource management to address all aspects of historic building evaluation and disposition.
- The East Bay Regional Park District has a dedicated staff position for cultural resource management whose responsibilities include overseeing identification, listing, collection, management, and curation of historic resources as well as staff education. Architectural review is typically addressed by specific consultants through the CEQA process.
- Most park and open space agencies, including the District, assign cultural resource protection to one or more staff positions who rely on outside qualified consultants for technical evaluations and consultation.

Planning and Decision Making

There are two broad approaches used to address historic buildings and structures. These are:

Case-by-Case Evaluation – employed by the District

- Most regional agencies first look at an older resource from an operational basis based on the agency's day-to-day needs. Prime considerations are if the building is accessible, can be used for housing, equipment storage or other operational use, and can be cost-effectively repaired and maintained.
- Addressing the disposition of resources older than 50 years is generally accomplished as part of the CEQA process before a project is approved (or an action is selected and implemented).
- If a project triggers a federal action (e.g. federal permit approval or grant award), a Section 106 consultation would take place if the building is to be altered or demolished.

Historic Context Statements

- The National Park Service and California State Parks both offer guidelines for developing "Historic Context Statements" to guide historic programs. The purpose of a historic context statement is to place built resources in the appropriate historic, social, and architectural context so that the relationship between an area's physical environment and its broader history can be established. A historic context statement provides the framework for evaluating a property for historic significance and integrity. It answers questions such as:

- What aspects of geography, history and culture shaped the built environment of a given area?

- What property types were associated with those developments?
- Why are these properties important?
- What level of integrity is needed for them to qualify as historic resources?

A historic context statement therefore provides a comprehensive planning tool that groups information about historic properties based on a shared theme, specific time period, and geographical area. On a functional management basis, these reports establish a framework for ongoing planning and operations, and identify important historic themes that are relevant to each region.

Examples:

- National Park Service, Historic Resource Study, for Golden Gate National Recreation Area in San Mateo County
- County of Santa Clara, Department of Planning and Development - County of Santa Clara, Historic Context Statement
- Monterey County Parks Department – Historic Context Statement for Agricultural Resources in the North County Planning Area, Monterey County
- Cities sometimes accomplish a similar contextual result through Cultural Resource Elements in their General Plans.
- System-wide regional park and open space master plans that include a specific cultural resource section may help provide such context and include qualifying criteria specific to the agency for how historic buildings might be acquired and/or managed.

Examples:

- East Bay Regional Park District Master Plan
- Sonoma County Regional Parks - Sonoma County Integrated Parks Plan
- Stanford University, as part of its 2018 Community Plan and General Use Permit document (withdrawn on November 1, 2019), prepared a historic setting and regional context statement and inventoried and categorized all the campus buildings providing a framework for Santa Clara County to consider alterations or demolition of historic buildings.

- d. **Specific Considerations:** At the November 13, 2019 Board of Directors meeting, some Board members asked specifically for additional information on the following topics regarding the stewardship of historic resources: (a) maintenance, (b) challenges with wildfire, and (c) delisting of a historic resource. Below is additional information about these topics.

Maintenance

- Regional park and open space agencies generally do not have adopted policies about the level of maintenance related to a historic building that are left in place.
- The term “Arrested Decay” is used as a prescription for historic buildings where the minimal level of maintenance is performed to avoid the building falling over or deteriorate in a major way.

- Old resources sometimes are used by listed species (e.g., bats, owls) when left alone without disturbance.
- There are few examples of recorded policy decisions to leave resources in place without maintenance.
Examples: National Park Service - Chaco Culture National Historic Park, New Mexico; California State Parks – Bodie State Historic Park.

Looking Forward – The Cost of Wildfire

- Recognizing wildfire as a norm in California’s open space lands presents a special fiscal challenge for the preservation of historic buildings.
- The first challenge is the fiscal cost of preserving a listed or designated historic building whether or not it is located in an urban-wildland interface area or beyond.
- Based on location, there may be an unnecessary fiscal burden in maintaining defensible space regulations around unused buildings; a landscape management conflict with other habitat goals; or concern about empty buildings being a potential fire hazard or nuisance attraction.
- Another consideration is that if a historic building should burn, particularly one that has no operational value for the agency per se, clear decision criteria does not exist about whether to attempt to rebuild or not.
- Lastly, reconstruction of a historic resource, would be exceptionally costly.

Delisting

- A historic building listed on the National Register may be delisted (36 CFR § 60.15) based on the following criteria:
 - The qualities which caused it to be originally listed have been lost or destroyed.
 - Additional information shows that the property does not meet the criteria for evaluation.
 - Error in professional judgment.
 - Prejudicial procedural error in the nomination or listing process.
- A historic building listed on the State Register may be delisted (14 CCR § 4856) based on the following criteria:
 - The historical resource, through demolition, alteration, or loss of integrity has lost its historical qualities or potential to yield information.
 - New information or analysis shows that the historical resource was not eligible at the time of its listing.
- The eligibility, listing and landmark designation of historic buildings are, from time to time and depending on the agency maintaining the list, updated. Including the criteria listed above, the decision to delist a building could include if the building is no longer there (demolished or burned), if it no longer retains its historic integrity, a change in jurisdiction, or a need to be re-evaluated based on current standards.
Example: California State Parks Requirements for Designated Landmarks prior to #770 (PRC § 5024.1)

7. **District Considerations**

Based on the research and interviews conducted, the following are highlighted conclusions and findings for District consideration.

- **Policy:** Existing District policies in general conform with laws, standards, and practices about the protection of cultural resources. Additional policies could be added and/or existing policies rewritten or reorganized to further clarify the inventory, evaluation, designation, and disposition of historic buildings and structures. However, key policy guidelines do already exist within the current District policies. Instead, the District may consider creating an administrative historic resources procedural guide that houses all the relevant District policies related to historic resources, as well as other key information to ensure that staff are fully informed of the steps required for historic resources management. This guide would serve as a resource for both existing and new staff to ensure consistency of application District-wide and across time.
- **Technical Consistency:** District practices related to managing and documenting buildings and structures over 50 years old conform with the law. However, selected in-house communications and documentation practices could be strengthened in terms of maintaining the inventory and documentation of resources. Short of adding a planning staff position whose qualifications include cultural/architectural specialties and who would serve as a central point for all things cultural and historical, three actions are recommended:
 1. Update and refine the GIS data base listings and catalog system in conformance with historic building and structure standards.
 2. Centralize the written and photographic documentation of buildings and structures (and other cultural resources).
 3. Include training about cultural resource management across all staff levels.

APPENDIX A: District Policy Overview for Historic Buildings and Structures

The following table cross-references the District's Basic Policy components and related Board-adopted policies applicable to historic buildings and structures with specific policies, themes and guidelines contained in the District's Resource Management Policies, Vision Plan, and Coastal Service Plan, respectively. There were no internal inconsistencies noted.

TABLE: DISTRICT POLICIES, GOALS, AND GUIDELINES SUMMARY

Public Resources Code 5539.8(d): The Legislature hereby finds and declares that the land acquisition, improvements, and services provided by the regional district . . . benefits . . . the protection of the diverse historical, cultural, and archaeological values of the territory of the regional district.					
District Mission: To acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education					
District Coastside Mission: To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.					
POLICY STATEMENT					
Basic Policy	Board Policies	Resource Management Policies: Adopted 2018 (1)	Strategic Plan Summary Report and Strategic Plan Updates	Vision Plan: Adopted 2014 (applicable Theme)	Coastal Service Plan: Adopted 2004
Basic Policy Section c.: Special Use facilities, (i.e. historic structures) . . . are considered on a case by case basis.		<p>Policy CR-1 Maintain an inventory of cultural resources on District preserves.</p> <p>Policy CR-2 Address cultural resources in the development of preserve use and management plans.</p> <p>Policy CR-4 Preserve and maintain cultural resources wherever feasible.</p> <p>Policy CR-5 Provide public access and educational programs to interpret historical and archaeological resources.</p>	<p>Strategic Plan - Protect and Restore the Natural Environment, Item 5: Protect cultural resources.</p> <p>(Cultural resource protection is included with other resource management goals in the context of the natural environment, e.g. water, sensitive species, wildfire, habitats, and thus could apply to such sites like historic ranchlands and Native American cultural sites.)</p>	N/A	<p>Guideline G.6.30: Protocol for a qualified professional to determine if structures are of historic value.</p> <p>Implementation Action G.6Q(i): Procedures to reduce impacts of construction and requirement that historic buildings will be addressed by a qualified Historic Architect.</p>

<p>Basic Policy Section e.: Historic structures and sites will be considered for protection by the District where they are associated with lands acquired for overall open space values. Due to the high cost of evaluating, managing, and restoring such facilities, the District depends on grant assistance, public-private partnerships, and outside assistance to support these activities.</p>		<p>Policy CR-1 Maintain an inventory of cultural resources on District preserves. Policy CR-2 Address cultural resources in the development of preserve use and management plans. Policy CR-4 Preserve and maintain cultural resources wherever feasible.</p>	<p>Strategic Plan - Protect and Restore the Natural Environment, Item 5: Protect cultural resources.</p> <p>Update FY2020-21 Goal 1, Objective 2: Build and strengthen diverse partnerships</p>	N/A	<p>Guideline G.6.3: Acknowledges cultural resources are one of the many open space resources (endangered species, ecological systems, agricultural resources, water quality, visual resources, and unique biological resources). The District shall prepare use and management plan for resources management as defined in this Guideline.</p>
	<p>Board Policy 4.01 - Open Space Use and Management Planning Process (date: 11/13/13): Purpose and Scope of Planning Process MROSD lands are managed to promote the continued preservation of their natural, historical and cultural resources, and at the same time provide compatible public recreation, environmental education, and agricultural use where possible.</p> <p>The Open Space Use and Management Planning Process has been established to address these management goals. The process encompasses an ongoing comprehensive approach to management, designed to respond to the dynamic changes of the District's environmental resources and public needs</p>	<p>Policy CR-5 Provide public access and educational programs to interpret historical and archaeological resources.</p>	<p>Strategic Plan - Protect and Restore the Natural Environment, Item 5: Protect cultural resources.</p> <p>Update FY2020-21 Goal 2, Objective 4: Support the . . . character of rural communities.</p>	<p>Theme: Natural, Cultural, and Scenic Landscapes Theme: Steward Many Cultures Theme: Sense of Place</p>	<p>Guideline G.6.3: Acknowledges cultural resources are one of the many open space resources (endangered species, ecological systems, agricultural resources, water quality, visual resources, and unique biological resources). The District shall prepare use and management plan for resources management as defined in this Guideline.</p>

	Board Policy 4.01 - Open Space Use and Management Planning Process (date: 11/13/13): The Planning Process is comprised of five planning categories, which allow for a systematic approach to the development of management plans.	Policy CR-2 Address cultural resources in the development of preserve use and management plans.		Theme: Natural, Cultural, and Scenic Landscapes Theme: Sense of Place	Guideline G.6.30: Protocol for a qualified professional to determine if structures are of historic value.
	Board Policy 4.02 - Improvements on District Lands (date: 02/08/17): All structures and other improvements existing on District lands at the time of acquisition are potential resources and as such will be considered for retention and will be addressed in site planning documents. The District will retain, renovate or build a structure or other improvement only if it is complementary to the objectives of the District outlined in the <i>Basic Policy</i> . Important considerations in the decision to retain or build an improvement will be its compatibility with the open space character of the site, its potential financial burden to the District in terms of liability and management, historic value, and its proposed use.	Policy CR-2 Address cultural resources in the development of preserve use and management plans.	Strategic Plan - Protect and Restore the Natural Environment, Item 5: Protect cultural resources. Update FY2020-21 Goal 2, Objective 4: Support the . . . character of rural communities.	Theme: Steward Many Cultures Theme: Sense of Place	Guideline G.6.30: Protocol for a qualified professional to determine if structures are of historic value.
	Board Policy 4.02 - Improvements on District Lands (date: 02/08/17): Improvements for Public Utilization of the Site: One of the District’s principal roles is providing low intensity recreational use of its lands. Improvements such as trails and parking lots will be considered as	Policy CR-2 Address cultural resources in the development of preserve use and management plans. Policy CR-5 Provide public access and educational programs to interpret historical and	Update FY2020-21 Goal 1, Objective 2: Build and strengthen diverse partnerships. Goal 2, Objective 4: Support the . . . character of rural communities.	Theme: Knowledge, Understanding, and Appreciation	Implementation Action G.6Q(i): Procedures to reduce impacts of construction and requirement that historic buildings will be addressed by a qualified Historic Architect.

	part of the site planning process. Improvements which have potential for more intensive recreational, environmental, historic, or educational use will also be considered for retention or construction; however, the willingness of other agencies or partners to bear any major costs of construction and/or management will be an important consideration.	archaeological resources.			
	Board Policy 4.02 - Improvements on District Lands (date: 02/08/17), Improvements which Contribute to the Character of the Site: (e.g., Buildings with Unique Historical or Architectural merit, Barns, Sheds and Fences). In order for the Board to determine the historical, cultural or architectural significance of a structure, the District will notify and consult such agencies as specified in the <i>Open Space Use and Management Planning Process</i> Board Policy 4.01.	Policy CR-2 Address cultural resources in the development of preserve use and management plans. Policy CR-5 Provide public access and educational programs to interpret historical and archaeological resources.	Update FY2020-21 Goal 1, Objective 2: Build and strengthen diverse partnerships. Goal 2, Objective 4: Support the . . . character of rural communities.	Theme: Steward Many Cultures	Guideline G.6.30: Protocol for a qualified professional to determine if structures are of historic value.
	Board Policy 4.08: Construction and Demolition Waste Diversion (date 01/14/15): For every contracted District Capital construction or demolition project, the following waste diversion guidelines shall be followed: b. Historic Resource Evaluation – to evaluate potential historical significance on structures over 50 years old or containing known historical resources.	Policy CR-3 Protect cultural resources from disturbance to the maximum extent feasible. Policy CR-4 Preserve and maintain cultural resources wherever feasible.	Strategic Plan - Protect and Restore the Natural Environment, Item 5: Protect cultural resources.	Theme: Steward Many Cultures	Implementation Action G.6Q(i): Procedures to reduce impacts of construction and requirement that historic buildings will be addressed by a qualified Historic Architect.

APPENDIX B: District Approach to Historic Buildings and Structures

In accordance with the Resource Management policies and other Board policies, the District has been implementing the long-term stewardship of the District's significant historical and archaeological sites with limited resources using largely outside expertise over the years. Prehistoric and archaeological resources are managed by the Natural Resources Department while historic structures that are already in District ownership are managed by the Planning Department with assistance from other departments to complete capital repairs and maintenance. For historic structures, the District relies on qualified historic preservation consultants to conduct assessments and develop disposition recommendations.

When a property that contains buildings and structures is currently being considered for acquisition by the District, and terms and conditions of purchase allow adequate time, an evaluation is made by the Real Property Department as part of their due diligence work. If the building or structure is not listed in the Santa Clara County Heritage Resource Inventory or the San Mateo County list of historic resources and it is observed that the resource is over 50 years old and/or may contain some historic value (architectural style, association with a historical event, location, person) not previously documented, then a Historic Resources Evaluation is conducted by an independent historic resources consultant. If determined that a historic building could potentially be retained, then staff collects additional information such as:

- Value to the Preserve's use and management programs or visitor experience.
- Short-term, interim, or long-term use desired.
- Type of immediate repairs and maintenance needed upon acquisition and type of permits required to make such repairs.
- Preliminary cost estimate for immediate repair and maintenance.
- Outline of what subsequent planning and engineering steps may need to occur to achieve proposed interim or long-term use.

The historic status of buildings and structures is most often considered as part of the California Environmental Quality Act (CEQA) documentation to inform a discretionary action that may have a potential effect on a historic resource.

Based on the conclusion of an independent Historic Resources Evaluation, the District may record an oral history of the property and/or any buildings and prior uses if it is clear that such information may have interpretive value in the future.

There are approximately 517 buildings and structures currently documented in the District's GIS system. At this time no differentiation is made between buildings (primarily used to shelter for human activity) and structures (used for purposes other than human shelter). The characterization of buildings and structures is not consistent with the nomenclature used by local, state or federal agencies about historic properties. The database is not fully comprehensive and needs refinement but is actively updated as staff work on projects.

APPENDIX C: Partner Agency Approach to Historic Buildings and Structures

Two counties and the seventeen cities and towns within the District's boundary have to varying degrees adopted historical preservation resource policies and ordinances, and have review bodies that the District would work with on any given project about the designation, status, and disposition of historic buildings and structures. Those agencies where the District has buildings or structures within the Preserve system or is currently working with to acquire lands within their jurisdiction include :

- County of Santa Clara
- County of San Mateo
- Cupertino
- East Palo Alto
- Half Moon Bay
- Los Altos Hills
- Los Gatos
- Menlo Park
- Palo Alto
- Portola Valley
- Woodside

The following table lists each jurisdiction and: if the jurisdiction has an appointed group that advises the Board of Supervisors and/or the City/Town Council as appropriate; the status of an inventory of historic buildings and structures; if the agency has a formal statement of historical context; if the agency is a Certified Local Government recognized by the State of California Historic Preservation Office that would make it eligible for federal and state historic preservation grant program funding; and if the ordinances of the agency require specific maintenance of historic buildings and structures by the property owner.

Generally, jurisdictions have an appointed committee that makes recommendations to the Board of Supervisors or City/Town Council. Buildings and structures inventoried and listed by the agency, whether designated by the state or federal government as a landmark, require permits for any alteration or demolition of listed historic buildings and structures. Procedures for obtaining such permits vary from jurisdiction to jurisdiction. Obtaining permits is not guaranteed particularly if there is significant expressed public interest.

TABLE: HISTORIC BUILDING REVIEW CONSIDERATIONS OF CITIES/COUNTIES WITHIN DISTRICT'S JURISDICTION

Jurisdiction	Appointed Advisory Review	Inventory Date / Status	Specific Context Statement	Certified Local Government	Ordinance Mandated Maintenance Requirements
Santa Clara County	Historical Heritage Commission	1999 Currently being updated	Yes	Yes	Sec. C17-28. - Preventative maintenance. The owner, person or persons having legal custody and control of a designated landmark or historic resource listed in the heritage resource inventory shall be encouraged to implement preventative maintenance in order to prevent deterioration and decay of such designated landmark or historic resource.
Sam Mateo County	Historical Resources Advisory Board	Updated as needed by County Planning Department			SECTION 7737. Duty to Keep in Good Repair. The owner, occupant or other person in actual charge of an historic landmark, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvements, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.
Cupertino	None	2015	Yes, in General Plan		No applicable requirements.
East Palo Alto	None	2015	Yes, in General Plan		No applicable requirements.
Half Moon Bay	None	1995	Yes, in General Plan		No applicable requirements.
Los Altos Hills	History Committee	2007	Yes, in General Plan		11-1.13 Duty to keep landmark in repair. Every landmark shall be maintained in good repair by the owner thereof in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary maintenance and repair of a landmark. For the purposes of this chapter, ordinary maintenance and repairs shall mean any work the sole purpose and effect of which is to correct or prevent deterioration, decay, or damage.
Los Gatos	Historic Preservation Committee	Continually updated by Planning Department	None	Yes	Sec. 29.80.315. Duty to keep in good repair. The owner, lessee, and any other person in actual charge or possession of a pre-1941 structure, designated landmark or structure in the LHP or landmark and historic preservation overlay zone shall keep all of the exterior portions in good repair as well as all of the interior portions which are subject to control by the terms of the designating ordinance, and all portions whose maintenance is necessary to prevent deterioration or decay of any exterior portion.

TABLE: HISTORIC BUILDING REVIEW CONSIDERATIONS OF CITIES/COUNTIES WITHIN DISTRICT'S JURISDICTION

Jurisdiction	Appointed Advisory Review	Inventory Date / Status	Specific Context Statement	Certified Local Government	Ordinance Mandated Maintenance Requirements
Menlo Park	None	2013	Yes, in General Plan		16.54.080 Duty of repair. The owner, lessee or other person in actual charge of a landmark shall comply with all applicable codes, laws and regulations governing the maintenance of the property. Such person shall keep in good repair all exterior portions of the property and all interior portions whose maintenance is necessary to prevent deterioration of any exterior portion or which are subject to control as specified in this chapter.
Palo Alto	Historic Resources Board / Architectural Review Board	2012	Yes	Yes	No applicable requirements.
Portola Valley	Historic Resource Committee	1998	Yes, in General Plan		No applicable requirements.
Woodside	Woodside History Committee	2012	Yes, in General Plan		No applicable requirements.

APPENDIX D: Selected Glossary about Historic Buildings and Structures

Archaeological Site* – A site in which physical evidence of past prehistoric or historic human activity has been preserved.

Cultural Landscape* – A landscape modified by past human activity or otherwise holding historical or prehistoric cultural importance.

Cultural Resource* – A structure, landscape feature, archaeological site, or other artifact of human activity in the past during prehistoric or historic periods.

Cultural Resource Inventory* – The District’s inventory of cultural resources on District preserves. Information in this inventory may include site locations, descriptions, and photographs, as well as historical information on individual sites and preserves.

Historic* – Dating from periods post-dating the use of written historical documents. In the American West, the historic period is generally considered to refer to all periods after European exploration and colonization of the region.

Historic Building – A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn. (source: 36 CFR 60).

Historic Context – a unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic District – a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. (source: 36 CFR 60).

Historic Landmark – a historic property (district, site, building, structure or object) officially recognized by a local agency, California, or the federal government whose integrity is intact and meets one or more of the following significance criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- Associated with the lives of persons important to local, California or national history;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- Yielded or has the potential to yield information important to the pre-history or history of the local area, California, or the nation.

Historic Object – a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. (source: 36 CFR 60)

* As listed in the District’s Resource Management Policies

Historic Property – a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

Historic Site – the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. (source: 36 CFR 60).

Historic Structure – A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by humans, it is often an engineering project large in scale. (source: 36 CFR 60).

In Situ* – “In place;” at the site of original deposition or discovery.

Inventory – a list of historic properties determined to meet specified criteria of significance. (source: Secretary of the Interior's Standards and Guidelines).

Integrity – the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period. (source: Secretary of the Interior's Standards and Guidelines).

Open Space* – Land and water areas that remain in a natural state and are minimally developed, and may include compatible agriculture uses.

Preservation (treatment) - the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form. Source: (source: Secretary of the Interior's Standards and Guidelines).

Rehabilitation (treatment) - the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. (source: Secretary of the Interior's Standards and Guidelines).

Santa Clara County Heritage Resource Inventory* – A listing of buildings, structures, and sites that are either: designated state or federal Landmarks; County Landmarks adopted by the Board of Supervisors; potentially eligible County Landmarks as adopted by the Board of Supervisors; or potentially eligible landmarks based on a 1999 survey. The Heritage Resource Inventory is in the process of being updated. (source: <https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx>)

* As listed in the District's Resource Management Policies