

Background on the Development of the Historic Preservation Ordinance

On April 18, 2000, the Board of Supervisors (Board) accepted the "Final Report of the Historical Heritage Assessment Project: Improving the Effectiveness of Santa Clara County's Historical Heritage Activities." The report called for the creation of an effective and efficient system for the treatment of historic properties in the unincorporated areas of the County.

In keeping with the Board's direction, the Historical Heritage Commission (HHC) embarked on developing a historic preservation ordinance to improve the organization and clarity of Santa Clara County's regulations relating to historic properties by:

- a. Implementing the County's General Plan strategies and policies for historic properties;
- b. Providing criteria and procedures for designating historically significant properties;
- c. Providing criteria and procedures for reviewing exterior alterations to designated properties;
- d. Facilitating the County's compliance with the California Environmental Quality Act with regard to historic properties; and
- e. Enabling the County to apply for State Certified Local Government (CLG) certification through the adoption of a comprehensive historic preservation ordinance. CLG certification provides the opportunity to apply for grant money, and offers technical training and more meaningful leadership roles for the County in the preservation of its cultural heritage.

The HHC reviewed a draft historic preservation ordinance on May 15, 2003. Public comment was received, and on June 19, 2003 the HHC recommended adoption of the ordinance to Housing, Land Use, Transportation, and Environment (HLUET) Committee (a policy committee of the Board of Supervisors) and the Board.

In conjunction with the historic preservation ordinance, the Planning Commission was asked to consider a proposed Zoning Ordinance text amendment to Chapter 3.50 regarding demolition procedures for Historic Preservation Combining Districts. The text amendment was proposed to bring the Zoning Ordinance provisions in line with the demolition requirements included in the historic preservation ordinance. The Planning Commission was provided an opportunity to review the historic preservation ordinance at a workshop on July 3, 2003 to understand the context of the proposed Zoning Ordinance text amendment. The Planning Commission held a public hearing on August 7, 2003 to consider the Zoning Ordinance text amendment and requested additional information on content of the historic preservation ordinance. The HHC hosted a workshop on August 21, 2003 to facilitate the Planning Commission's understanding of the ordinance. As a result of this workshop, staff made revisions to the document. The HHC reviewed the changes and received public comment on the draft historic preservation ordinance on September 18, 2003, and elected to postpone action in order to explore economic incentives for the ordinance.

On January 31, 2005 the HHC hosted a community workshop called "Tune-Up Your Historic Preservation Ordinance" in conjunction with the Donald Anderson, Jr. Fund, Sourisseau Academy for State and Local History, and the California State Office of Historic Preservation (SHPO). The workshop introduced a new manual, "Drafting Effective Historic Preservation Ordinances" (Technical Assistance Series 14) which was prepared by SHPO staff. The HHC provided this educational opportunity for the public, other local governments, and the commission itself to gather information on how other local governments deal with the preservation of historic resources and to understand SHPO recommendations regarding ordinance requirements.

The HHC established an ad hoc ordinance committee to research and better understand concerns expressed by Stanford University and Stanford University residential leaseholders. The ad hoc ordinance committee began reviewing the 2003 draft ordinance to propose revisions to the document. The ad hoc ordinance committee hosted a series of community outreach meetings the summer of 2005 to learn the interests and concerns of the greater Santa Clara County community. Due to the large size of the County, nine community outreach meetings were held to reach as many unincorporated residents as possible. All community comments were recorded and community input was used to revise the 2003 draft ordinance.

On November 1, 2005, the Board requested an update on the status of the historic preservation ordinance. On January 10, 2006 the Department of Planning and Development reported in status report that the HHC was concluding its analysis of the 2003 draft ordinance and completing a revised draft. In a study session on February 16, 2006, the HHC reviewed the content of the draft ordinance along with the public. On March 16 and April 20, 2006 the HHC received public comment, including written comments from Stanford University and the Stanford University residential leaseholders. At the request of the HHC, the ad hoc ordinance committee met (twice) in early May to consider additional revisions. On May 18, 2006 the HHC reviewed a revised draft, which included proposed modifications by staff and public comment received. The HHC accepted the comments and the draft Historic Preservation Ordinance (dated May 18, 2006), as well as staff proposed modifications, and forwarded the draft ordinance with a favorable recommendation to the HLUET Committee for consideration.

On August 30, 2006, the HLUET Committee considered the draft Historic Preservation Ordinance, received public testimony, and discussed aspects of the draft ordinance and questions raised by the public. Following its deliberation, the HLUET Committee took the following action:

- a. Received and filed correspondence;
- b. Favorably recommended that the Board adopt the Historic Preservation Ordinance, including minor staff changes. Related to this action the HLUET Committee also:
 1. Directed staff to review Section C17-4 (Heritage Resource Inventory) for possible additions/clarifications to the proposed provisions for public notice;
 2. Recommended to the Board that staff submit quarterly reports to the HLUET Committee the first year the Historic Preservation Ordinance is in effect, to

include statistics regarding ordinance-related activities and the number of property owners, if any, objecting to listing their property in the Inventory or designating their property as a landmark; and

3. Recommended to the Board that the Historic Preservation Ordinance be reviewed by the HLUET Committee after the ordinance has been in effect for one year; and
- c. Favorably recommended that the Board amend the County Ordinance Code to update the duties and responsibilities of the HHC as proposed, and repeal Article 7, Title C of the County Ordinance Code relating to the demolition of historic resources listed in the Inventory.

On October 3, 2006 the Board considered the adoption of the Historic Preservation Ordinance (and related County Ordinance Code amendments) and voted to adopt the ordinance with an amendment to include a requirement of owner consent for landmark designation. The Board requested that it evaluate the owner consent provision after the ordinance has been in effect for one year to assess any negative impacts on the County's historic preservation program. The Board also requested that staff submit quarterly reports to the HLUET Committee the first year the Historic Preservation Ordinance is in effect. The final adoption of the Historic Preservation Ordinance occurred on October 17, 2006.