ORDINANCE NO. 2025-538

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 14.93 (HISTORIC PRESERVATION) TO THE LOS ALTOS MUNICIPAL CODE

WHEREAS, the City Council is empowered pursuant to Article XI, Section 7 of the California Constitution to make and enforce within the City all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, the City Council held a duly noticed public hearing on September 30, 2025, and October 14, 2025; and

WHEREAS, the amendments were processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, as the State Office of Historic Preservation has been provided the opportunity to review and comment on the proposed changes to the draft ordinance prior to adoption as required under the Certified Local Government agreement; and

WHEREAS, the State Office of Historic Preservation supports the proposed changes; and

WHEREAS, after review, the State Office of Historic Preservation did not provide substantive comments as the draft ordinance "clearly and succinctly details administration of the City's historic preservation program;" and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended, The Zoning Code text amendments can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment as the ordinance further implements State law and creates procedural requirements locally for how to do so. The proposed amendments are designed to preserve and protect existing and future historic resources of such structures that already exist today and do or will qualify as a historic resource within the City of Los Altos; and

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. **AMENDMENT OF CHAPTER 14.93 OF THE MUNICIPAL CODE**. Chapter 14.93 of the Los Altos Municipal Code is hereby amended as set forth in Appendix A to this Ordinance, underline indicating addition, strikethrough indicating deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

SECTION 3. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on September 30, 2025, and was thereafter, at a regular meeting held on October 14, 2025, passed, and adopted by the following vote:

AYES: Dailey, Lang, Meadows, Weinberg
NOES: None
ABSENT: None
ABSTAIN: Fligor

Pete Dailey, MAYOR

Attest:

Melissa Thurman (Nov 3, 2025 10:00:06 PST)

Melissa Thurman, MMC
CITY CLERK

APPENDIX A
CHAPTER 14.93

APPENDIX A

Chapter 14.93 – HISTORIC PRESERVATION

14.93.010 Purpose.

The purpose of this chapter is to:

A. Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;

B. Enhance the visual character of the city by encouraging the compatibility of architectural styles which reflect established architectural traditions on individual property and parcels of land;

C. Encourage public knowledge, understanding and appreciation of the city's past, and foster civic and neighborhood pride and sense of identity based upon the recognition and use of the city's historic resources;

D. Stabilize and improve property values within the city and increase the economic and financial benefits to the city and its inhabitants derived from the preservation, rehabilitation, and use of historic resources;

E. Integrate the conservation of historic resources into the public and private development process and identify as early as possible and resolve conflicts between the preservation of such resources as possible.

14.93.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

"Alteration" means any act or process that changes any portion of the exterior architectural appearance of a structure or object, including, but not limited to, the erection, construction, reconstruction, removal of exterior architectural features or details, or the addition of new structures, but does not include painting, ordinary maintenance and landscaping.

"California Historical Building Code" applies to all qualified historic structures and sites, designated under federal, state and local authority. It provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as qualified historic buildings.

"California Office of Historic Preservation" means the governmental agency primarily responsible for the statewide administration of the historic preservation program in California.

"California Register of Historical Resources" is a comprehensive listing of California's historical resources, including those of local, state and national significance.

"Character defining features" means the defining elements, such as prominent architectural features, materials, craftsmanship or other elements, that, individually or in combination, identify a historic property, building or landscape.

"Commission staff" means the staff liaison assigned to the historical commission.

"DPR 523" means the California Department of Parks and Recreation Historic Resource Inventory Forms used for historic evaluations. The DPR 523A form provides descriptive information about a resource. The DPR 523B form provides an evaluation of the resources and includes a determination as to whether the resource is eligible for the National or State Register of Historic Places or listing on the Los Altos Historic Resources Inventory.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to, the kind, size, shape and texture of building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Historic landmark" means a building, improvement, structure, natural feature, site or area of land, under single or common ownership that has significant historical, architectural, cultural, and/or aesthetic interest or value, and is designated as a historic landmark by the city council.

"Historic resource" is a property or structure that has been determined to be over fifty (50) years old, or has been identified as eligible for listing in a local, state, or national historic register per CEQA Guidelines Section 15064.5, retains its physical integrity, has historical, architectural, cultural, and/or aesthetic value, and is listed on the historic resources inventory (HRI).

"Historic resources inventory" (HRI) means the city's official inventory of the historic resources, as adopted and amended from time to time by resolution of the city council. A

property or structure must be designated as a historic landmark or a historic resource to be listed.

"Historical commission" is an advisory commission appointed by the city council that is tasked with maintaining the historic resources inventory, making recommendations on historic landmarks, working with property owners on preservation, maintenance and other development activities related to historic resources, and other activities as identified in the municipal code.

"Improvement" means any building, structure, parking facility, wall, work of art or other appurtenance or addition thereto constitute a physical betterment of real property or any part of such betterment.

"Integrity" is the authenticity of the characteristics, also referred to as character defining features, from which resources derive their significance. Integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association.

"Mills Act" is an economic incentive program in California for the restoration and preservation of qualified historic structures. The Mills Act grants participating local governments the authority to enter into contracts with owners of qualified historic properties to reduce the property tax assessment in exchange for the restoration and maintenance of the historic resource.

"National Register of Historic Places" is the official inventory of districts, sites, buildings, structures and objects significant in American history, architectural, archeology and culture, maintained by the Secretary of Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

"Preservation" means the act of identification, study, protection, reconstruction, restoration, rehabilitation or enhancement of historic and/or cultural resources.

"Reconstruction" means the act or process of reproducing by new construction, the exact form and detail of a vanished building, structure or any part thereof, as it appeared at a specific period.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while

preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period by means of the removal of later work or by the replacement of missing earlier work.

"Secretary of Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68)" are the Federal Standards for the Treatment of Historic Properties that are utilized in the identification, evaluation, registration and treatment of historic properties. The list of ten (10) Rehabilitation Standards, published as the Secretary of the Interior's Standards, is aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource.

14.93.030 Identification of Historic Resource.

For a property to be placed on the HRI following the adoption of this Chapter, an historic resource survey (DPR 523A) shall be prepared by a qualified consultant in compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Professional Qualifications Standards.

14.93.040 Historic Resource Designation

A. **Designation Criteria.** For the purposes of this Chapter, a structure, property or object may be eligible for designation as a historic resource or historic landmark, if it/they satisfy all three (3) criteria listed below:
    1. Age. A structure or property shall be more than fifty (50) years in age.
    2. Determination of Integrity. A structure or property should retain sufficient historic integrity in most of the following areas:
        a. Location. The place where the historic property was constructed or where the historic event occurred. Integrity of location is maintained when the property remains at its original site.
        b. Design: The combination of elements that create the form, plan, space, structure and style of a property.
        c. Materials: The physical elements that were combined or deposited during a particular period and in a particular pattern or configuration.
        d. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in prehistory or history.

e. Characteristic: A property's expression of the aesthetic or historic sense of a particular period.
f. Association: The direct connection between a property and the historic event, activity, or person for which it is significant.

3. Historic Significance. A structure or property should be clearly associated with one or more of the following areas of significance:
   a. Event: Associated with a single significant event or a pattern of events that have made a significant contribution to broad patterns of local or regional history, or cultural heritage of California or the United States.
   b. Person/People: Associated with the lives of people important to the local or regional, California or national history.
   c. Architecture/Design: Embodies the distinctive characteristics of a design-type, period, region or method of construction, or represents the work of a master or possesses high artistic value.
   d. Archaeology: Yields important information about prehistory or history of the local area, California or the nation.

B. **Initiation for Designation.**

1. Designation of a property proposed for inclusion on the HRI may be initiated by any of the following parties:
   a. Owner(s) of the property proposed for inclusion or authorized representative of the owner(s);
   b. Historical Commission and affirmed by the City Council;
   c. City Council.
2. If designation is initiated by the owner(s), an application for designation shall be made to the Development Services Department through submittal of the prescribed application form accompanied by a nonrefundable filing fee as specified in the adopted Fee Schedule. The Development Services Department shall establish what supporting documentation shall accompany the application, including, but not limited to, State of California DPR 523 series forms or other HRI forms as may be approved by the State.
3. At the time of submission of an application for designation, the owner(s) or authorized representative of the owner(s) shall be notified of the proposed designation and given the opportunity to comment; however, owner consent is not required for designation to proceed.
4. The application shall indicate the parameters of the property proposed for inclusion, specifying any related structures or resources that are to be included for consideration and an evaluation of the property's conformance with the applicable criteria.

5. If designation is initiated by the Historical Commission or the City Council, the Development Services Department shall notify the owner(s) of the property by certified mail within ninety (90) days of the initiation and request written consent from the owner. The notice shall inform the owner(s) of the proposed designation and provide an opportunity to comment during the public hearing process. Owner consent shall not be required for the designation to proceed.

C. **Approval of Permits When Designation is Pending.** Except as provided by this chapter no Building Permit, Demolition Permit, or other permit that would result in a major alteration of the property shall be issued for any property when an HRI designation application has been initiated with the Development Services Department until all hearings on the matter are concluded.

D. **Historical Commission Hearing.**
   1. The Historical Commission shall conduct a hearing on the application for designation at its next regularly scheduled meeting following the application being deemed complete by the Development Services Department.
   2. A staff report, including the supporting documentation concerning the property proposed for inclusion shall be provided to the Historical Commission. The report shall address the significance and integrity of the property proposed for inclusion as it relates to the designation criteria, provide other relevant information, and include a recommendation concerning the application and the basis therefor.
   3. The Historical Commission shall consider the evidence provided by a licensed design professional specializing in historic preservation or qualified historic preservation professional who meet the Secretary of Interior's Professional Qualification Standards, as established by the National Park Service. The Historical Commission shall recommend to the City Council approval, modification, or denial of the designation proposal, including the reasons for such recommendation.

E. **City Council Review.** Following the recommendation of the Historical Commission, the City Council shall take final action on the request for designation by resolution approving or denying the recommendation.

F. **Notice of Designation.**
   1. Following action by the City Council, a copy of the findings shall be sent by first class mail to the owner(s) of the newly designated HRI property, and a notice of the designation, along with a legal description of the property, shall be recorded in the records of the County Recorder.
      a. Failure to record with the County Recorder shall not invalidate a designation or any of the requirements of this Chapter.
   2. The City Council also shall send notice of the designation to California State Parks, Office of Historic Preservation.

G. **Designation Repeal or Amendment.**

1. Designation may be repealed or amended in the same manner and procedure as was followed to designate the property initially. This action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions, or factors that justified the designation.
2. If a repeal of designation is approved by the City Council, a notice shall be sent by first class mail to the owner(s) of the property.

14.93.050 Historic Alteration Permit.

A. Historic Alteration Permit(s) are required in order to alter, demolish, remove, relocate or change any exterior architectural features of an HRI listed property, or remove or relocate any improvements, structures that contribute to the integrity or the historic significance of the resource.
B. For non-residential properties that are on the HRI, non-permanent improvements such as signage, fences/walls, minor accessory structures and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from Historical Commission review by the Zoning Administrator.
C. For residential properties that are on the HRI, improvements such as swimming pools, fences/walls, minor accessory structures and landscaping that do not adversely affect the physical integrity or the historic significance of the resource may be exempted from Historical Commission review by the Zoning Administrator.
D. Where applicable, applicants shall use the California Historic Building Code (CHBC) to accommodate necessary code compliance in a manner that retains character-defining features and ensures life-safety without compromising historic integrity. Any condition deemed unsafe or warranting removal of historic features shall first be evaluated for compliance under the CHBC prior to initiating demolition or alteration.

14.93.060 Review of Historic Alteration Permit.

A. For projects that require a historical alteration permit, the historical commission shall complete its review and issue a recommendation at its next available scheduled meeting. The commission shall determine if:
    1. The project complies with all provisions of this chapter; and
    2. The project does not adversely affect the physical integrity or the historic significance of the subject property.
    3. The project is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

B. The Historical Commission recommendation on the historical alteration permit, shall be forwarded to the Zoning Administrator for consideration. The Zoning Administrator may approve or deny the recommendation of the Historical Commission based on the applicable provisions of this code.

14.93.070 Application for Historic Alteration Permit.

A. Applications for historical alteration permits shall be submitted to the Development Services Department. Applications shall at minimum include the following information:
   1. A clear statement of the proposed work;
   2. A site plan and boundary survey showing all existing buildings, structures, trees over six inches in diameter, property lines, easements and the proposed work;
   3. Detailed plans showing both the existing and proposed exterior elevations, including a street elevation, photographs of windows and/or special features, materials and grading;
   4. Specifications describing all materials to be used and all processes that would affect the appearance or nature of the materials;
   5. Notes indicating any deviation from the Secretary of the Interior's Standards for Historic Rehabilitation; and
   6. Such other information or documents as may be requested by the Zoning Administrator.

14.93.080 Joint Meeting Procedures.

When a project requires multiple discretionary approvals from multiple review authorities, the project shall be reviewed at a Joint Meeting of the respective review authorities when practical. Procedures for Joint Meetings shall be as follows:

A. The Historical Commission will attend a regularly scheduled or special meeting of the Zoning Administrator, Planning Commission, and/or City Council.
B. One (1) public meeting notice, agenda, and meeting minutes shall be prepared for the item being reviewed at the Joint Meeting.
C. The Historical Commission shall conduct its review first and render its recommendation followed by the Zoning Administrator, Planning Commission, and/or City Council.

14.93.090 Appeal Procedures.

Any decisions rendered under regulations contained within this Chapter are appealable pursuant to Section 14.01.100 of the Los Altos Municipal Code.

14.93.100 Notice of Public Meetings.

Any decisions rendered under regulations contained within this Chapter are subject to public meeting notice requirements pursuant to Section 14.01.130 of the Los Altos Municipal Code.

14.93.110 Ordinary Maintenance and Repair.

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance, painting, landscaping or repair of any exterior feature in or upon any historic resource or historic landmark that does not involve a change in design, material or the external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any historic resource or historic landmark which has been certified in writing by the city building inspector, or fire chief, or other code enforcement officer as being in unsafe or dangerous condition as contained within the California Building Code and/or Property Maintenance Code which cannot be rectified through the use of the California State Historic Building Code.
B. Ordinary Maintenance and Repair as described in this Section shall be exempt from the requirements of obtaining a Historic Alteration Permit.

14.93.120 Duty to keep in good repair.

A. The owner, occupant or the person in actual charge of a historic resource or a historic landmark shall keep and maintain in good condition and repair all exterior portions of the improvement or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature or natural feature.
B. It shall be the duty of the development services director or their designee to enforce this section.

14.93.130 Enforcement.

The violation of any provision contained in this chapter is hereby declared to be unlawful and shall constitute a misdemeanor, subject to the penalties as prescribed in Title 1, Chapter 1.20 of this code.