

**SPECIAL JOINT MEETING OF THE CITY OF CAMPBELL  
PLANNING COMMISSION AND HISTORIC PRESERVATION BOARD**

Tuesday, February 28, 2023 – 7:00 pm

City Hall Council Chamber

70 N. First St., Campbell, California

**Register in advance for this webinar:**

<https://campbellca.gov/PCSignup>.

After registration, you will receive a confirmation email containing information about joining the webinar. During the registration process, you will be asked if you would like to speak on any of the agenda items. Please provide detail on the items you would like to discuss.

## **AGENDA**

This Regular Planning Commission meeting will be conducted in person with the Commissioners meeting at City Hall, Council Chambers, as well as via telecommunication (Zoom) being available for members of the public. The meeting is compliant with provisions of the Brown Act.

This Regular Planning Commission meeting will also be live streamed on Channel 26, the City's website and on YouTube at <https://www.youtube.com/user/CityofCampbell> for those who only wish to view the meeting but not participate. Those members of the public wishing to provide public comment at this meeting virtually are asked to register in advance at <https://campbellca.gov/PCSignup>. After registering, you will receive a confirmation email containing information about joining the meeting via Zoom. Members of the public may attend the meeting in person at Campbell City Hall - Council Chambers. If attending in person, face coverings and physical distancing will be required until further notice.

Public comment for the Planning Commission meetings will be accepted via email at [planning@campbellca.gov](mailto:planning@campbellca.gov) by 5 p.m. on the day of the meeting. Written comments will be posted on the website and distributed to the PC. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

### **ROLL CALL**

### **PUBLIC COMMENT**

### **STUDY SESSION**

1. PLN-2022-117 Study Session to review Historic Preservation Board recommendations on the Historic Preservation Ordinance Update (CDD FY23 Work Plan), inclusive of (1) Creation of Penalty Provisions to Discourage Unpermitted Alterations and Demolitions of Historic Structures, (2) Clarification of Permitting Requirements for Historic Properties, and (3) Establishment of a New Mills Act Program. *Project Planner: Daniel Fama, Senior Planner.*

**ADJOURNMENT**

**Americans with Disabilities Act (ADA)**

In compliance with the Americans with Disabilities Act, listening assistance devices are available for meetings held in the Council Chambers. If you require accommodation to participate in the meeting, please contact the Community Development Department, at [planning@campbellca.gov](mailto:planning@campbellca.gov) or (408) 866-2739.

# MEMORANDUM



Community Development Department  
Planning Division

**To:** Chair Buchbinder and Planning Commission **Date:** February 28, 2023  
**From:** Chair Walter and Historic Preservation Board  
Daniel Fama, Senior Planner, Secretary to the Board *DF*  
**Via:** Rob Eastwood, Community Development Director *RE*  
**Subject:** **Study Session to review Historic Preservation Board recommendations on the Historic Preservation Ordinance Update (CDD FY23 Work Plan), inclusive of (1) Creation of Penalty Provisions to Discourage Unpermitted Alterations and Demolitions of Historic Structures, (2) Clarification of Permitting Requirements for Historic Properties, and (3) Establishment of a New Mills Act Program.**

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## PURPOSE

The purpose of this study session is to present a high-level summary of the Historic Preservation Board's ("HPB") preliminary recommendations on potential updates to the City's Historic Preservation Ordinance. Although the Planning Commission has only a limited role in historic preservation, the Historic Preservation Ordinance is codified within the Title 21 (Zoning Code) of the Campbell Municipal Code (CMC). Amendments to the Zoning Code require review and recommendation by the Planning Commission prior to consideration by the City Council. As such, this meeting is intended to provide an introduction to the update effort in order to familiarize the Commission with the HPB's recent work ahead of formal consideration of an updated ordinance later this year. Any comments and recommended changes the Planning Commission may wish to offer will be forwarded to the City Council.

## BACKGROUND

Historic Preservation Ordinance: Historic preservation refers to the practice of protecting historical resources so that future generations may appreciate and enjoy the cultural achievements of those who came before them. Campbell's historic preservation efforts began in the 1970's with surveying of potentially historic properties and the adoption of the City's first historic preservation ordinance and designation of the Alice Avenue Historic District in the early 1980's. The ordinance has been amended over time, most significantly in 2008 and again in 2018. Today, the City maintains a list of 144 historic properties known as the [Historic Resource Inventory \(HRI\)](#).

Pursuant to CMC Chapter 21.33 and in conjunction with the [Campbell Design Guidelines for Historic Residential Buildings](#) and by reference the [Secretary of the Interior's Standards](#), the City protects these structures from inappropriate alterations and demolition through a multi-tier regulatory approach that is generally intended to allow for expedited approval of most minor changes (e.g., window change-outs, new roofing, etc.) while requiring a more thorough review of significant changes (e.g., additions or alterations to "character-defining" features) to these identified historic resources. Most changes are approved directly by the Community Development Director or with recommendation by the HPB. The Planning Commission may occasionally review a change to an historic resource if it is a commercial structure subject to site and architectural review. Significant changes to an historic resource, including demolition or relocation, require Council approval.

Mills Act Program: In contrast to the regulatory approach of a preservation ordinance, the Mills Act is state law that provides a financial incentive to encourage the preservation of historic properties. The law allows cities to voluntarily enter into contracts with property owners that allow a reduction in property taxes in exchange for the continued maintenance and restoration of the historic structure. Under the terms of a contract, the property taxes are reduced using a formula specified by the Revenue and Taxation Code, allowing the savings to be reinvested into the property.

The City had a limited Mills Act program that was enacted in 2011 and expanded in 2015, and which was restricted to ten contracts. The Council ultimately approved eleven contracts, most recently in 2021, resulting in the program being closed to new applications. The Council had indicated that it would only consider expansion of the program upon a comprehensive review the existing contracts and an overview of the program improvements, including, but not limited to selection criteria, qualifying improvements, application requirements, and reporting materials (e.g., annual checklist receipts, etc.).

On behalf of the HPB, Board Member Corteway, acting as the Mills Act Audit Review *ad hoc* Subcommittee, submitted and presented an audit of the approved Mills Acts contracts to the City Council at its [October 18, 2022](#), meeting. Although individual Council Members expressed concerns about the types of improvements that had been authorized in prior contracts, the Council accepted the results of the audit and authorized preparation of an expanded Mills Act Program. The Council also provided direction that a new Mills Act Program should clearly focus on facilitating improvements that promote "structural, architectural, and historical integrity" and that are not "everyday expenses" common to homeowners at large and include greater accountability from contract-holders. The Council's direction means that a new Mills Act program would be limited to financing of projects of significant capital cost, not normal ongoing maintenance.

Historic Preservation Ordinance Update: At its meeting of [August 2, 2022](#), the City Council authorized removal of a property from the HRI following unpermitted alterations that resulted in loss of the structure's historic integrity. This event revealed that the Campbell Municipal Code does not provide any specific penalties or fines for unauthorized alterations (or demolition) of historic structures. As a result, the Council added an update of the Historic Preservation Ordinance to the Department's FY23 Work Plan as part of its action to remove the aforementioned property from the HRI. Specifically, the update was to include "provisions to establish fines and penalties for unauthorized damage or destruction of historic resources and to clarify the permitting requirements for historic properties," as noted in the staff report.

## DISCUSSION

Consistent with City Council direction on an updated Historic Preservation Ordinance and revamped Mills Act Program, the HPB held a series of three study sessions to review the three components of the update; penalty provisions, permitting requirements, and the Mills Act program. The staff memorandums can be viewed, at the links, below. The following is a summary of these discussions and HPB recommendations.

- **Penalties** – [October 26, 2022](#)
- **Permitting** – [December 7, 2022](#)
- **Mills Act** – [January 25, 2023](#)

Penalties: On the principal that the best penalty is one that never needs to be used, the HPB's recommended penalties are intended to establish a strong disincentive from engaging in unlawful activity by removing any potential monetary or development advantage that could be gained by altering or removing an historic resource. This would be accomplished by a three-prong penalty structure, as follows:

- **Forced Reconstruction/Restoration:** Where an unlawfully altered structure retains its historic integrity<sup>1</sup>, the HPB recommends that restoration be mandated by the City. The determination as to whether sufficient historic integrity remains would require an analysis by the City's Historical Advisor, at the homeowner's cost. This approach would ensure that those properties that can remain on the HRI do so.

As a general rule, maintaining a property that has lost its historical integrity on the HRI undermines the purpose of the list and dilutes the import of other registered properties. However, force restoration where a resource has lost its historical integrity, as well as forced reconstruction of an unlawfully demolished structure, may be appropriate in situations where the resource is located in an historic district where its pre-alteration appearance contributed to the districts' architectural character/theme.

The HPB, therefore, recommends that forced restoration/reconstruction be required for *any* unlawful alteration or demolition within the Alice Avenue Historic District, *irrespective* of historic integrity. These homes each contribute to the districts' historical character, such that restoration would serve a broader goal of maintaining the integrity of the district as a whole.

- **Monetary Penalty**<sup>2</sup>: When restoration and/or reconstruction is not feasible or warranted, as discussed above, the HPB recommends that a monetary penalty be assessed. Specifically, a fee in-lieu of reconstruction/restoration of an altered or demolished structure equal to replacement value of the historic building, based on 100% of the building permit valuation. The purpose of this fee would be to capture the monetary value of the resource and to establish a monetary distinctive.

This specific methodology is proposed because it would result in a consistent calculation based on established per square-foot valuation figures that do not vary based on subjective construction estimates or appraisal judgment. Moreover, building permit valuation captures the monetary value of the physical structure, but not design services or contractor's overhead/profit that may exceed the scope of an in-lieu fee.<sup>3</sup> The actual cost of the fee would vary based on the size of the subject structure, but would be substantial. For example, using the current building permit valuation of \$280/square-foot, a 1,200 square-foot structure subject to the \$336,000 in-lieu fee.

- **Development Limitation:** To further discourage unlawful acts, particularly with regards to property owners for whom a six-figure monetary penalty would not be a sufficient enough disincentive, HPB also recommends enacting a development limitation. This would serve to restrict the development of a property to the existing/prior (prior) square-footage, floor-area-ratio (FAR), building height, and setbacks, for a period of 20-years.

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<sup>1</sup> See the National Park Service's [Glossary of Terms](#) for a definition of "historic integrity".

<sup>2</sup> Note that the October 26, 2022, HPB Staff Report character this penalty as a "fine," however per advice of the City Attorney it would be structured to constitute a "fee".

<sup>3</sup> Per California Residential Code § R108.3

For example, if a 1,200 square-foot home is demolished or substantially altered, the property may only be developed with a new home not exceeding 1,200 square-feet in the same location as the original, and without any new structures (e.g., ADU, detached garage, workshops, etc.) being permitted. This approach would allow a status quo use of the property and prevent an owner from reaping any "reward" from demolishing or altering a resource.

The penalties described, above, would be imposed administratively by the Community Development Director. However, a homeowner would be provided a right to appeal to the City Council, upon a recommendation of the HPB. This would provide property owners the ability to challenge the City's enforcement action and/or to allow the City Council to grant an exception if extenuating circumstances are found to exist.

Permitting: The current historic permitting processes are somewhat ambiguous such that clarification is required in order to ensure that the proposed penalty provisions can be enforced. Such changes would also serve to ensure that homeowners have a clear understanding of what types of actions require City approval, and which do not, so violations do not inadvertently occur.

The overall approach builds on the existing permit processes, adding a new "tier" of an Historic Resource Alteration Permit and aligning an existing processes with industry standard terminology by creating a "Certificate of Appropriateness." As proposed, the level of review would be based on the relative risk of a proposal adversely affecting an historic resource, such that a minor changes would continue to be either entirely exempt or approvable ministerially ("over the counter") by staff, while other proposals that require case-by-case consideration would be subject to a degree of discretionary review. This would allow for a greater number of changes to be approved either ministerially by Planning staff or administratively approved by the Community Development Director (CDD) so that homeowners do not need to wait for a monthly HPB meeting for a routine changes, as summarized by the table, below:

Proposed Permit Processes						
Hearing Bodies	Exempt	Certificate of Appropriateness	Historic Resource Alteration Permits			Zoning Exception
			Tier 1	Tier 2	Tier 3	
Advisory Body	N/A	N/A	N/A	HPB	PC and HPB	HPB
Decision-Making Body		Staff	CDD	CDD	City Council	Planning Commission

The exact scope of each permit type is identified in the Permit Process Summary Table, included as **Attachment 1**, and is broadly summarized, below:

- **Exempt**: Includes activity generally considered "ordinary maintenance and repair" *not* subject to building permit (with certain exemptions) as well as interior improvements and renovations that do not affect the outward appearance of the structure (e.g., kitchen remodels, interior electrical/plumbing work, etc.). Although the latter category will often require a building permit, a Planning Division review is not required (hence the work is "exempt").
- **Certificate of Appropriateness**: Includes activity generally requiring a building permit but than can be evaluated objectively, to ensure that it does not impair the historic resource (i.e., the work is "appropriate"), such that approval can be granted ministerially by a staff planner (under the Community Development Director's authority) without public notice or review.

- **Historic Resource Alteration Permit – Tier 1:** Includes alterations generally to the *non*-street-sides of buildings<sup>4</sup> (i.e., public facing) that do not alter/remove existing features and that would *not* normally require third party historic consultant review. Tier 1 Permits would be considered by the Community Development Director for approval through the existing administrative decision review process, which is used for a variety of standard permit types (e.g., Administrative Site and Architectural Review Permits).

The administrative process does not include a public hearing but requires a 10-day public notice prior to a decision and provides for a 10-day appeal period following a decision. Appeals are typically considered by the Planning Commission. However, staff recommended that such appeals be first considered by the HPB, who would provide a recommendation to the Planning Commission, due to the HPB's subject matter expertise.

- **Historic Resource Alteration Permit – Tier 2:** Includes alterations generally to the street-sides of buildings, changes that could affect a "character defining feature," as well as all proposed additions. Tier 2 Permits would first be considered by the HPB in a public hearing, who would render a recommendation to the Community Development Director, who then would subsequently issue a "Notice of Decision" affirming the HPB's recommendation. For expediency, this action would be accomplished by a *new* truncated administrative review process *without* a 10-day prior notice, but with a 10-day appeal period following the Director's decision (appealable to Planning Commission).
- **Historic Resource Alteration Permit – Tier 3:** Includes proposed demolition, relocation, or "significant alterations," generally requiring outside historic consultant review and subject to formal environmental analysis under the California Environmental Quality Act (CEQA). Tier 3 permit application would require independent recommendations by the HPB and Planning Commission, with final decision by the City Council.
- **Zoning Exception:** Include requests for deviations from zoning standards to further the use and preservation of an historic resource. This is an existing permit type that was restructured in the 2018 update (previously known as an "Historic Exception"), but that has yet to be used in its current iteration. Consistent with how standard Variances are considered, the HPB recommends pushing-down the decision-making authority for a Zoning Exception request from the City Council to the Planning Commission, with recommendation by the HPB.

#### *Historic Resource Inventory (HRI) Process Improvements*

As part of its review of the permit processes for historic properties, the HPB also reviewed the process to add and remove properties from the HRI. To better protect the City's existing historic resources and to encourage the addition of additional historic resources onto the HRI, the HPB is recommending two process improvements:

- **Revised Structure of Merit Designation Criteria:** The HPB recommends minor changes to the designation criteria for Structures of Merit to better capture the importance of architectural styles found within the community as well as the contribution of individuals in Campbell's history. This would be accomplished by more references to historical signifiers that are "notable," "local," and "representative" to the Campbell "community".

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<sup>4</sup>This requirement would also apply to properties where principal frontage of the building does not face the street.

- **Historic Resource Analysis:** The HPB also recommends that an historic analysis only be required for HRI designation when the HPB and Planning Commission disagree on the request. This would align the process to add a property to the HRI with the process to remove a property, and in doing so, eliminate a barrier for homeowners who do not wish outlay the upfront cost for an historic analysis.

Mills Act: The Mills Act program was created by City Council resolution, however, the core program details were administratively established by the HPB and staff. This resulted in a differing of expectations on implementation between the Council and the HPB. To avoid this outcome with a new program, the HPB recommends that the overall framework of the program be codified within the Zoning Code, but that certain elements, be approved by Council resolution. The recommended changes aim to maintain consistency with the Council's direction that the program should only finance projects that promote "structural, architectural, and historical integrity" and that are not "everyday expenses" common to homeownership generally.

- **Eligibility:** In addition to being open to existing properties listed on the HRI, the HPB recommends that the Mills Act program also be open to potentially historic properties, contingent on a concurrent application to add the property HRI. This approach would further the City's preservation efforts by inducing owners to voluntarily add their properties to the HRI in exchange for a Mills Act contract.
- **Qualifying Improvements:** The HPB reviewed and is recommending a detailed list of improvements, included as **Attachment 2** that contribute to the "structure integrity" or "architectural/historical integrity" of a historic resource and that require a significant capital cost (i.e., not "everyday expenses"). For the purposes of this exercise, the category of "structure integrity" included both the literal structural elements of a building (foundation, beams, framing, etc.), as well as the building's critical systems, including mechanical, electrical, and plumbing (MEP). The category "architectural and/or historic integrity" included architectural components such as windows, doors, cladding, roofing, as well as decorative elements integral to historic character such as trim, scalloping, etc. The list also includes improvements that *would not* qualify to provide greater clarification.
- **Consideration Criteria:** Consistent with the purpose of the Mills Act program and Council direction, the HPB recommends the following minimum approval criteria:
  - (1) Invest at least 100% of estimated property tax savings back into the property (expenditures), as demonstrated by the proposed workplan, for a minimum of Investment-to-Savings (ISR) of 1.0 (expenditures ÷ savings); **AND**
  - (2) Show estimated expenditures of at least \$100,000 (in 2023 dollars) over 10 years (the minimum contract term).

This recommendation would set a minimum floor for applications, excluding those where there is less than \$100,000 of qualified work to be done (suggesting the property is in relatively good condition). Moreover, it would also prioritize applications for properties that are at the greatest danger of deterioration, since those properties would generally require the greatest amount of expenditure and therefore rank higher if there were more applications than available contracts in a given year.



- **Number of Contracts:** In-lieu of an overall numeric cap on the number of contracts, the HPB recommends establishing an annual (initial) limit of five (5) contracts per year. This approach would allow a measured expansion of the program, easing its administration, and also allow the City to refine the program details each subsequent year. For equity, it would be necessary to establish an annual submittal deadline and review application together so that they may be judged on their merits based on the consideration criteria, discussed, above.
- **Contract Duration:** The HPB recommends that the duration of a contract should be tied to the proposed expenditures relative to the anticipated property tax savings. For example, a proposal that would result in tax savings of \$250,000 over 20 years with \$250,000 in expenditures should have a "total term" of 30 years, inclusive of a 20-year "initial term" of full tax savings, with 10-additional years of diminishing tax savings (as per State law).<sup>5</sup> The HPB's also recommends a maximum "initial term" of 30 years, to align with the standard mortgage period. Note that prior to the end of the "initial term," a contract-holder may propose additional eligible work or document that they expended more than they saved and request that the City Council, upon HPB recommendation, extend the contract for an additional period of time.

## NEXT STEPS

The City Council is scheduled to review HPB's recommended revisions at its April 4th meeting. Staff will seek Council support for the recommendations and request authorization to proceed with drafting of a formal ordinance. The schedule below, anticipates formal consideration of the draft ordinance in the summer with adoption by the fall. However, all dates are contingent on other departmental priorities, specifically implementation of the new Housing Element and review of new housing development projects submitted under the new Multi-Family Development and Design Standards (MFDDS).

- HPB Study Session (October 26, 2022)** – Penalty Provisions
- HPB Study Session (December 7, 2022)** – Permitting Requirements
- HPB Study Session (January 24, 2023)** – Mills Act Program
- Joint HPB/PC Study Session (February 28, 2023)** – Joint discussion on HPB recommendations.
- Council Meeting (April 4, 2023)** – Review of HPB recommendations, confirmation of direction, and authorization to proceed with drafting of a formal ordinance.
- Staff preparation of Draft Ordinance (May-June 2023)** – Staff will prepare a draft ordinance based on Council direction, including review by the City Attorney's Office.
- OHP Review of Draft Ordinance (July 2023)** – Staff will forward the draft ordinance to the California Office of Historic Preservation (OHP) for review (per CLG requirements).
- HPB Public Hearing (August 2023)** – The HPB will consider the draft ordinance.

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<sup>5</sup> Per State law, Mills Act contracts have a minimum term 10-year term and automatically renew annually for one additional year, rendering them indefinite unless the City or contract-holder wishes to end the agreement. Action to end an agreement is through a mechanism known as a Notice of Non-Renewal, which ends the automatic renewal of the contract allowing it to expire in 10 years (at any given point in time, the contract always has 10 years remaining due to the automatically renewing nature of the contract). Issuance of Notice of Non-Renewal has the effect of then "winding-down" the tax savings in the remaining ten years.

- PC Public Hearing (September 2023)** – The PC will consider draft ordinance.
- CC Public Hearing (October 2023)** – The Council will consider the draft ordinance.
- Ordinance in Effect (November-December 2023)** – After initial introduction, an ordinance requires a subsequent confirmatory vote ("second reading"), with a 30-day waiting period.

## **OUTREACH**

This meeting, as well as all previous and subsequent meetings regarding the Historic Preservation Ordinance update, have been noticed to HRI property owners. If adopted by the City Council, the City will take action to record the DPR forms on the titles of every historic property to disclose their historic status to prospective buyers. Staff will also send a letter to each HRI property owner explaining the new provisions following adoption of an updated ordinance. Through proactive outreach, it is hoped that the future penalty measures may never need to be used.

### Attachments

1. Permit Process Summary Table
2. Mills Act Eligible Projects Table

**PERMIT PROCESS SUMMARY TABLE**

(2023-02-28)

SCOPE OF WORK <sup>1</sup>	Exempt	PERMIT PROCESSES			
		Certificate of Appropriateness	Historic Resource Alteration Permits		
			Tier 1	Tier 2	Tier 3
<b>Roofing</b>					
1. Patching/repair roof (<50 SF)	X				
2. Re-roofing (like-for-like), including patching/repair >50 SF		X			
3. New roofing (different material)			X		
4. Alteration to building roofline (roof shapes, ridge height, construction/ modification of dormers, gables, overhang, eyebrows, etc.)				X	
5. Installation of rooftop PV system		X			
<b>Windows/Doors/Awnings/Shutters</b>					
6. Replacement of <i>street-facing</i> or <i>non-street-facing</i> doors and windows (same material and style, and within existing opening)		X			
7. Replacement of <i>street-facing</i> or <i>non-street-facing</i> doors and windows (different material and/or style, and within existing opening)			X		
8. Alteration of <i>street-facing</i> window or door openings (expansion, reduction, or closing of opening)				X	
9. Alteration of <i>non-street-facing</i> window or door openings (expansion, reduction, or closing of opening)			X		
10. Creation of new <i>street-facing</i> door/window openings				X	
11. Creation of new <i>non-street-facing</i> door/window openings			X		
12. Replacement of existing shutters (wood or composite wood, same style as original)		X			
13. Installation or removal of <i>street-facing</i> window shutters or awnings				X	
14. Installation or removal of <i>non-street-facing</i> window shutters or awnings			X		
15. Removal of aluminum window awnings	X				
<b>Wall Cladding</b>					
16. Exterior painting (except unpainted masonry surface or texture coating)	X				

SCOPE OF WORK <sup>1</sup>	Exempt	PERMIT PROCESSES			
		Certificate of Appropriateness	Historic Resource Alteration Permits		
			Tier 1	Tier 2	Tier 3
17. Exterior painting of masonry surface				X	
18. Texture coating of existing walls				X	
19. Re-stuccoing (>20% of wall area, like-for-like)			X		
20. Replacement of siding (>20% of wall area, like-for-like)			X		
21. Repair of existing stucco (<20% of wall area, like-for-like)		X			
22. Repair of existing siding (<20% of wall area, like-for-like)		X			
23. New/Replacement wall cladding material (including a variation of the existing material)				X	
<b>Architectural Elements</b>					
24. Removal or alteration of existing a <i>street-facing</i> covered porches/patios, balconies, and chimneys				X	
25. Reconstruction of existing porches/patios, balconies, and chimneys for life-safety/code-compliance			X		
26. Construction of a new <i>street-facing</i> , covered porches/patios, balconies, and chimneys				X	
27. Removal or alteration of existing a <i>non-street-facing</i> covered porches/patios, balconies, and chimneys			X		
28. Construction of a new <i>non-street-facing</i> covered porches/patios, balconies, and chimneys			X		
29. Construction of a wall attached to the historic resource				X	
<b>Additions/Demolitions/Other</b>					
30. Additions to an historic resource (all sizes and locations)				X	
31. New basement or expansion of existing basement				X	
32. Removal of existing portions of structure (partial demolition)				X	
33. Demolition of an historic resource (including a "new dwelling using portions of the original structure")					X

SCOPE OF WORK <sup>1</sup>	Exempt	PERMIT PROCESSES			
		Certificate of Appropriateness	Historic Resource Alteration Permits		
			Tier 1	Tier 2	Tier 3
34. Relocation of an historic resource					X
35. Any proposal denied under a Tier 1 or Tier 2 Permit					X
36. Interior improvements and renovations (do not affect outward appearance)	X				
37. Façade restoration				X	
38. Any proposal otherwise subject to a development permit <sup>3</sup>				X	
<b>Site Features/Accessory Buildings</b>					
39. Walls under 4-ft in height and fences under 6-ft in height (except walls physically connected to the structure)	X				
40. Landscaping and hardscape (pavement) <sup>4</sup>	X				
41. Creation of an ADU (or JADU) from a garage		X			
42. Construction of a detached ADU		X			
43. Construction of a detached accessory structure (<120 SF)	X				
44. Construction of a detached accessory structure (>120 SF)		X			
(1) The term "street-facing" will also be defined to mean the principal frontage of a structure where building does not face the street.					

**MILLS ACT ELIGIBLE PROJECTS TABLE**  
(2023-02-28)

SCOPE OF WORK <sup>1</sup>	ELIGIBLE CATEGORIES		INELIGIBLE
	Structure Integrity	Architectural and/or Historical Integrity	
<b>Roofing</b>			
1. Patch/repair roof			<b>X</b>
2. New roof (different material)			<b>X</b>
3. New roof (like-for-like or comparable in appearance) or restoration of original material	<b>X</b>	<b>X</b>	
4. Alteration to building roof (ridge, dormers, gables, eyebrows, etc.)		<b>X</b> <b>(restoration only)</b>	
5. Repair of roof framing	<b>X</b>		
6. Repair of eaves and/or overhangs	<b>X</b>		
7. Flashing/waterproofing	<b>X</b>		
8. Installation of rooftop photovoltaic (PV) system			<b>X</b>
<b>Windows/Doors/Awnings/Shutters</b>			
9. Replacement of exterior doors and windows (window and/or frame)		<b>X</b>	
10. Alteration of window or door opening (expansion, reduction, or closure)		<b>X</b> <b>(restoration only)</b>	
11. Creation of new door/window openings			
12. Replacement/repair of window shutters or awnings			
13. Installation or removal of window shutters or awnings			<b>X</b>
<b>Exterior Walls (cladding/painting)</b>			
14. Entire house exterior painting (except texture coating)		<b>X</b>	
15. Touch-up paint, painting of masonry surface, etc.			<b>X</b>
16. Re-stuccoing (like-for-like)		<b>X</b>	
17. Repair of existing stucco (like-for-like)			<b>X</b>
18. Replacement of siding (like-for-like)		<b>X</b>	
19. Repair of existing siding (like-for-like)			<b>X</b>
20. Repair, restore, or repoint brick (or other masonry material)		<b>X</b>	
21. New/replacement wall cladding material		<b>X</b> <b>(restoration only)</b>	

SCOPE OF WORK <sup>1</sup>	ELIGIBLE CATEGORIES		INELIGIBLE
	Structure Integrity	Architectural and/or Historical Integrity	
22. Pressure wash walls			X
<b>Architectural Elements</b>			
23. Repair of existing porches/patios, balconies, and chimneys		X	
24. Construction of a new porches/patios, balconies, and chimneys			X
25. Removal/alteration of existing porches/patios, balconies, and chimneys		X	
26. New trim, brackets, corbels, etc.		(restoration only)	
27. Repair/replace trim, brackets, and corbels		X	
28. Construction of an attached wall			X
29. Repair/replace gutters & downspouts	X		
<b>Additions/Demolitions/Other</b>			
30. Building additions			X
31. New basement or expansion of existing basement			X
32. Existing basement (finish, provide access, repair to code)			X
33. Finish attic space (convert to living area)			X
34. Removal of existing (non-original) portions of structure		X	
35. Removal of existing (original) portions of structure			X
36. Relocation of an historic resource			X
37. Exterior access modification (e.g., ramp)			X
<b>Mechanical</b>			
38. New HVAC system(s) (e.g., AC, furnace, heat-pump, etc.)	X		
39. New venting and duct work	X		
40. New water heater			X
41. New attic/whole-house fan			X
42. HVAC system(s), water heater, fan, maintenance/repair			X
<b>Electrical</b>			
43. Install new outlets, circuits, cabling, etc.			X
44. "Whole house" (substantial) rewiring (including associated panel upgrade, outlets, etc.)	X		

SCOPE OF WORK <sup>1</sup>	ELIGIBLE CATEGORIES		INELIGIBLE
	Structure Integrity	Architectural and/or Historical Integrity	
45. Electrical service panel upgrade			X
46. New service lines to detached garage (or accessory structure)			X
47. Electric vehicle (EV) charger			X
48. Battery storage system or generator			X
49. Security lighting and/or alarm system			X
50. New lighting fixtures (interior or exterior)			X
<b>Plumbing</b>			
51. "Whole house" (substantial) repiping	X		
52. New plumbing fixtures (sinks, tubs, faucets, etc.)			X
53. General plumbing repairs (including septic system)			X
54. New/repair service/supply lines (water/sewer/gas lines, clean-out, meters)	X		
<b>Fire Protection</b>			
55. Install fire-blocking	X		
56. Install fire sprinkler system	X		
57. Install smoke/CO2 alarms (wired or battery)			X
<b>Structural/Foundation</b>			
58. Foundation bolting, cripple-wall bracing, and related seismic work	X		
59. New foundation	X		
60. Foundation repair (slab-jacking, piering, etc.)	X		
61. Other seismic retrofitting (e.g., soft-story retrofit, install load-bearing beam)	X		
62. Replace/repair subfloor	X		
63. Repair or reinforce wall/ceiling framing or bracing	X		
<b>Site Features/Accessory Buildings</b>			
64. Walls and fences (new and/or repair)			X
65. Landscaping and hardscape (new features, repair, maintenance, etc.)			X
66. Maintenance of a designated 'Heritage Tree' (per <a href="#">CMC § 21.32.130</a> )		X	
67. Creation of an ADU (or JADU) from a garage or existing living area			X
68. Install/remove swimming pool			X



SCOPE OF WORK <sup>1</sup>	ELIGIBLE CATEGORIES		INELIGIBLE
	Structure Integrity	Architectural and/or Historical Integrity	
69. New decking or repair of existing deck			X
70. Construction of a detached ADU			X
71. Restoration of original "carriage house" or comparable accessory structure		X	
72. Construction/repair/removal of non-original accessory structures			X
<b>Interior Remodel</b>			
73. New carpet			X
74. Clean carpet			X
75. New wood or tile floors			X
76. Refinish wood floors		X (restoration only)	
77. Stairway repair			
78. General carpentry work (trim, baseboards, wainscot molding, hearth tile, etc.)			
79. Painting			X
80. New/repair appliances			X
81. Kitchen/bathroom countertops, cabinets, and general remodel			X
82. Add, remove, and/or open interior walls			X
<b>Drainage/Water Protection</b>			
83. Flashing (other than roof)	X		
84. New/repair exterior drains	X		
85. Water damage repair (interior or exterior)	X		
86. Re-grading of property to divert water from house (including bioswale)	X		
87. Vapor barrier installation	X		
88. Install sump pump & discharge drain	X		
<b>General/Other Maintenance</b>			
89. Inspect and clean chimney	X		
90. Removal of lead-based paint	X		
91. Termite treatment	X		
92. Blow-in insulation	X		

SCOPE OF WORK <sup>1</sup>	ELIGIBLE CATEGORIES		INELIGIBLE
	Structure Integrity	Architectural and/or Historical Integrity	
93. Mold remediation	X		
94. Asbestos remediation	X		
95. General weatherproofing (e.g., weatherstripping, door sweeps, etc.)			X
96. Radon gas prevention/remediation (exhaust stack, ventilator, etc.)	X		
(1) All work must be consistent with the <i>Campbell Design Guidelines for Historic Residential Buildings</i> and <i>The Secretary of the Interior's Standards for the Treatment of Historic Properties</i>			