

1 **Modify Chapter 10.46, Historic Overlay District and Local Register, as follows:**

2 **Chapter 10.46**

3 HISTORIC PRESERVATION ~~HISTORIC OVERLAY DISTRICT AND LOCAL REGISTER~~

4 **Sections:**

5 **10.46.010 Purpose**

6 **10.46.020 Applicability**

7 **10.46.030 Conflicts Between Provisions**

8 **10.46.040 ~~Conditional uses~~ Establishment of Local Historic Register and Inventory**
9 **of Historic Resources**

10 **10.46.050 ~~Procedures for listing a site or structure on the local register~~ Local His-**
11 **toric Register Designation**

12 **10.46.060 ~~Procedures for demolition, addition, or modifications~~ Property and Per-**
13 **mit Requirements**

14 **10.46.070 Property Maintenance Requirements**

15 **10.46.080 Incentives for Preservation**

16

17 **10.46.010 Purpose.**

18 In addition to the general purposes established in SMC 10.10.030 (Title and purpose),
19 the purpose of this Chapter is to provide the ability to acknowledge, honor, and encour-
20 age the continued maintenance and preservation of those select properties in the City
21 that contribute to the City's architectural and cultural history. Further, it is the purpose of
22 this Chapter to promote the public health, safety, and general welfare by providing for
23 the identification, recognition, designation, protection, enhancement, perpetuation, and
24 use of historic resources that reflect associations important in the City's history and to:
25 ~~the specific purposes of this chapter establishing regulations for the historic overlay dis-~~
26 ~~trict and properties listed on the local register are as follows:~~

27 A. Safeguard the character and history of the City which is reflected in its unique
28 architectural, historic, and cultural heritage through the designation of properties
29 to the Local Historic Register ~~To provide uniform regulations for the historic over-~~
30 ~~lay district and sites and structures listed on the local register;~~

31 B. Provide a method for the identification and designation of properties to the Local
32 Historic Register ~~To preserve structures that are unique and irreplaceable assets~~
33 ~~to the City and its neighborhoods;~~

34 C. ~~To d~~Deter the demolition, alteration, misuse or neglect of historic or architectural-
35 ly significant structures and sites;

- 1 D. Encourage preservation and adaptive reuse of properties on the Local Historic
2 Register and within a Historic Overlay Zoning District by allowing changes to ac-
3 commodate new functions and uses; ~~To provide flexible land use and develop-~~
4 ment regulations to allow preservation of structures and sites;
- 5 E. ~~To p~~Provide a review process for alterations, modifications and additions on Lo-
6 cal Historic Register properties and properties within a Historic Overlay Zoning
7 District, including applying applicable adopted guidelines and policies as adopted
8 by the Historic Landmarks Board and City Council; ~~to structures within the histor-~~
9 ic overlay district and/or listed on the local register; and
- 10 F. Enhance property values, stabilize neighborhoods, and render City properties on
11 the Local Historic Register and within a Historic Overlay Zoning District eligible
12 for benefits and incentives;
- 13 G. Ensure that properties and areas in the City that are located on the National Reg-
14 ister of Historic Places and/or the California Register of Historic Resources
15 and/or Local Historic Register and/or within a Historic Overlay Zoning District are
16 protected through the review of exterior alterations by the Historic Landmarks
17 Board;
- 18 H. Foster civic and neighborhood pride and a sense of identity based on the recog-
19 inition of the City's past accomplishments as reflected through its buildings, struc-
20 tures, objects, landscapes, natural features, infrastructure, and engineering;
- 21 I. Strengthen the City's economy by protecting and enhancing the City's attraction
22 to residents, tourists, visitors, and others, thereby serving as a stimulus and sup-
23 port to local business; and ~~To provide a process for listing a site or structure on~~
24 the local register.
- 25 J. Identify incentives that are intended to encourage owners to designate, maintain,
26 reuse, rehabilitate, and improve properties on the Local Historic Register and in a
27 Historic Overlay Zoning District.

28 **10.46.020 Applicability.**

29 The requirements of this chapter apply to properties and areas that are proposed for
30 designation to the Local Historic Register and/or in Historic Overlay Zoning Districts, and
31 those that are listed on the Local Historic Register and located within a Historic Overlay
32 Zoning District. ~~proposed land uses and physical alterations to structures located within~~
33 the historic overlay district and for all sites and structures listed on the local register. In
34 addition, the requirements of this Title 10, Zoning, and associated regulations and
35 adopted guidelines shall apply. ~~Chapters 10.20 through 10.28 (Zoning Districts Regula-~~
36 tions), 10.40 (General Development Regulations), 10.42 (Sign and Awning Regulations),
37 10.44 (Specific Use Requirements) SMC and any other applicable requirements of this
38 title shall apply.

39

1 **10.46.030 Conflicts between provisions.**

2 In the event of any conflict between this chapter and other chapters of this title, the more
3 restrictive regulations shall apply.

4 **10.46.040 Establishment of Local Historic Register and Inventory of Historic Re-**
5 **sources. Conditional uses.**

6 A. Establishment of a Local Historic Register. A Local Historic Register of individual-
7 ly-designated buildings and properties is hereby created. The purpose of the Lo-
8 cal Historic Register is to provide a means to preserve, protect, and enhance the
9 most significant historic resources within the City. Properties listed on the Local
10 Historic Register may be identified on site with an exterior marker or plaque in
11 accordance with adopted City guidelines displaying pertinent information about
12 the resource. A record of properties on the Local Historic Register shall be kept
13 by the City and provided to the State Office of Historic Preservation and other
14 agencies as required.

15 B. Establishment of a Inventory of Historic Resources. The Historic Landmarks
16 Board, acting with the administrative support of the Director, shall maintain an In-
17 ventory of Historic Resources of individually eligible historic resources within the
18 City as defined and provided for in the CEQA Guidelines Section 15064.5(a)(2).
19 The Historic Landmarks Board may periodically review, amend, and update the
20 Inventory.

21 ~~Notwithstanding SMC 10.46.030 (Conflicts between provisions), alternate uses may be~~
22 ~~allowed for structures and/or sites within the historic overlay district and/or listed on the~~
23 ~~local register with a conditional use permit provided the following findings can be made:~~

24 ~~A. Exception to land use regulations is necessary to permit the preservation or res-~~
25 ~~toration of an historic or architecturally significant structure or site;~~

26 ~~B. Proposed use of historic or architecturally significant structure or site will require~~
27 ~~minimal alterations to structure;~~

28 ~~C. Alterations will be consistent with the Secretary of the Interior's Standards for~~
29 ~~Rehabilitation;~~

30 ~~D. A preservation agreement has been prepared and recorded specifying the uses~~
31 ~~allowed on subject property and preserving property from demolition;~~

32 ~~E. The Historical Landmarks Board has considered the proposed use and recom-~~
33 ~~mends approval; and~~

34 ~~F. A public hearing has been noticed and held in accordance with Chapters 10.60~~
35 ~~(Conditional Use Permits) and 10.82 (Public Notice and Hearings) SMC.~~

36

1 **10.46.050 Local Historic Register Procedures for listing a site or structure on local**
2 **register.**

3 A. The Historic Landmarks Board may make recommendation to the City Council
4 regarding approval, disapproval, or modification to a property on the Local Histor-
5 ic Register.

6 B. Nomination. Nomination of a property to the Local Historic Register shall be initi-
7 ated by one of the following parties:

8 1. Member of the Public;

9 2. Property Owner;

10 3. Historic Landmarks Board; or

11 4. City Council.

12 C. Property Owner Notification. Within ten (10) days of nomination of a property to
13 the Local Historic Register, the owner, designated agent or agents, and tenants
14 of the subject property(ies), shall be notified consistent with Chapter 10.82 (Pub-
15 lic Notice and Hearings).

16 ~~Individual structures, structures and sites with historic or architectural significance may~~
17 ~~be listed on the local register, in accordance with the following procedures:~~

18 ~~A. Initiation and Application. The Historical Landmarks Board, Planning Commission~~
19 ~~or City Council may initiate listing a site or structure on the local register. A pri-~~
20 ~~ivate interested party may also request listing a site or structure on the local regis-~~
21 ~~ter.~~

22 D. Application Requirements. An application for the nomination of a property to the
23 Local Historic Register shall be filed with the Community Development Depart-
24 ment and include the following:

25 1. A statement of architectural, historic, or cultural significance of the build-
26 ing or district and a description of the character-defining features that
27 should be preserved;

28 2. A map showing the location of the individual structure and/or property;

29 3. Photographic document of the building(s) and/or property;

30 4. In lieu of items 1 through 3 above, applicants may submit a State De-
31 partment of Parks and Recreation historic resources inventory form;

32 5. Any additional information requested or required by the Community De-
33 velopment Department or the Historic Landmarks Board, including plans
34 or materials deemed necessary to support and process the application.

1 ~~B. Submittal Requirements. The following information shall be submitted with any~~
2 ~~private-party application to list a site or structure on the local register:~~

3 1. ~~A map showing the location of the structure and plans or photographs of~~
4 ~~the structure's exterior;~~

5 2. ~~A statement of the architectural or historical significance of the site or~~
6 ~~structure proposed for listing on the local register and description of the~~
7 ~~particular features that should be preserved; and~~

8 3. ~~Any additional information requested or required by the Community De-~~
9 ~~velopment Director, including plans or materials deemed necessary to~~
10 ~~support and process the application.~~

11 ~~Applicants may alternatively submit State Department of Parks and Recreation~~
12 ~~historic resources inventory form.~~

13 ~~C. Listing Sites or Structures on the Local Register. Individual structures may be~~
14 ~~listed on the local register if all of the findings in subsection F of this section~~
15 ~~(Findings) can be made. A structure or site listed on the local register shall be~~
16 ~~subject to the same review procedures, and eligible for the same preservation in-~~
17 ~~centives, as structures within the historic overlay district.~~

18 E. Interim Protection Measures. No permits for exterior alterations shall be issued
19 for 180 days from the date of nomination without prior approval by the Historic
20 Landmarks Board. Pending permit applications may be processed, but no final
21 action shall be taken until after the conclusion of the designation process or the
22 passage of 180 days, whichever occurs first. The following permits may be pro-
23 cessed during the designation process:

24 1. Ordinary Maintenance and Repair. Ordinary maintenance and repairs
25 may be approved. For the purposes of this Chapter, "ordinary mainte-
26 nance and repairs" shall mean regular, customary, or usual care of an ex-
27 isting building, structure, object, or site, for the purposes of preserving
28 said property and maintaining it in a safe and sanitary condition and does
29 not involve a change of design, material, or appearance of the property.

30 2. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous
31 conditions that present an imminent threat to the public of bodily harm or
32 of damage to adjacent property may be approved. The Building Official
33 shall notify the Director in writing that the proposed action is necessary in
34 order to mitigate the unsafe or dangerous condition.

35 ~~F.-D. Public Hearings. The Historical Landmarks Board and Planning Commission~~
36 ~~shall make a recommendation to the City Council to list a property on the local~~
37 ~~register following a public hearing.~~

38 1. Historic Landmarks Board Hearing. The Historic Landmarks Board shall
39 consider the nomination at a noticed public hearing and shall recommend
40 approval, approval with modifications, or disapproval of the nomination to

1 the Local Historic Register. The decision shall be in writing and state the
2 findings of fact and reasons relied upon to reach the decision and be for-
3 warded to the City Council.

4 ~~E. Historical Landmarks Board Hearing and Recommendation. A public hearing~~
5 ~~shall be noticed and held by the Historical Landmarks Board, consistent with~~
6 ~~Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public~~
7 ~~hearing shall be to receive testimony from persons interested in listing the struc-~~
8 ~~ture or site on the local register, and to adopt a recommendation to the Planning~~
9 ~~Commission. The Historical Landmarks Board shall submit a written report con-~~
10 ~~veying the Board's recommendation on the proposed amendment to the Planning~~
11 ~~Commission. The report shall provide reasons for the recommendation to place~~
12 ~~the structure or site on the local register and address its consistency with rele-~~
13 ~~vant general plan and specific plan policies.~~

14 ~~F. Findings. The Historical Landmarks Board and Planning Commission may rec-~~
15 ~~ommend, and the City Council may approve, listing a structure or site on the local~~
16 ~~register if all of the following findings can be made:~~

17 ~~1. The structure or site proposed for the local register is significant to local,~~
18 ~~regional, State or national history.~~

19 ~~2. Listing the proposed structure or site on the local register has been sub-~~
20 ~~ject to environmental review and the appropriate findings have been~~
21 ~~made.~~

22 ~~3. Listing the proposed structure or site on the local register will preserve the~~
23 ~~historic character or integrity of the structure or site.~~

24 ~~4. Structure or site proposed to be listed on local register has a significant~~
25 ~~architectural or historical character that can be preserved or enhanced~~
26 ~~through appropriate controls and incentives on new development and al-~~
27 ~~terations to existing structures and landscaping.~~

28 ~~G. Planning Commission Hearing and Recommendation. A public hearing shall be~~
29 ~~noticed and held by the Planning Commission, consistent with Chapter 10.82~~
30 ~~SMC (Public Notice and Hearings). The purpose of the public hearing shall be to~~
31 ~~receive testimony from persons interested in listing the proposed structure or site~~
32 ~~on the local register, to consider the recommendations of the Historical Land-~~
33 ~~marks Board and to adopt a recommendation to the City Council. The Communi-~~
34 ~~ty Development Department, on behalf of the Planning Commission, shall submit~~
35 ~~a written report conveying the Commission's recommendation on listing the pro-~~
36 ~~posed structure or site on the local register to the City Council. The report shall~~
37 ~~address the Historical Landmarks Board's recommendation, provide reasons for~~
38 ~~the Planning Commission's recommendations on listing the structure or site on~~
39 ~~the local register, and address its consistency with relevant general plan and~~
40 ~~specific plan policies. The recommendation to the City Council shall be in the~~
41 ~~form of a resolution and shall include findings, as identified in subsection F of this~~
42 ~~section (Findings), and reasonable conditions of approval, including any special~~
43 ~~criteria that shall apply to the structure or site.~~

1 2. City Council Hearing. The City Council shall consider the nomination at a
2 noticed public hearing after receiving the Historic Landmarks Board's rec-
3 ommendation. The City Council may approve, approve with modifications,
4 or disapprove the nomination to the Local Historic Register. The City
5 Clerk shall notify the owner of the property of the City Council's action.

6 ~~H. City Council.~~ A public hearing shall be noticed and held by the City Council, con-
7 ~~sistent with Chapter 10.82 SMC (Public Notice and Hearings). The purpose of~~
8 ~~the public hearing shall be to hear testimony regarding listing the proposed struc-~~
9 ~~ture or site on the local register and consider the recommendations of the Histor-~~
10 ~~ical Landmarks Board and the Planning Commission.~~

11 G.F. Findings. The Historical Landmarks Board and Planning Commission may rec-
12 ommend, and the City Council may approve, listing a structure or site on the Lo-
13 cal Historic Register local register if all of the following findings can be made:

14 1. The structure or site ~~proposed for the local register~~ is significant to local,
15 regional, State or national history.

16 2. Listing the ~~proposed~~ structure or site on the Local Historic Register ~~local~~
17 ~~register~~ has been subject to environmental review and the appropriate
18 findings have been made.

19 3. Listing the ~~proposed~~ structure or site on the Local Historic Register ~~local~~
20 ~~register~~ will preserve the historic character or integrity of the structure or
21 site.

22 4. The structure or site ~~proposed to be listed on local register~~ has a signifi-
23 cant architectural or historical character that can be preserved or en-
24 hanced through appropriate controls and incentives on new development
25 and alterations to existing structures and landscaping.

26 H. Recordation of Decision. A certified copy of the City Council decision shall be
27 recorded in the office of the County Recorder by the City Clerk immediately fol-
28 lowing its effective date. The property shall be added to the Local Historic Regis-
29 ter kept by the City and provided to the State Office of Historic Preservation.

30 ~~I. Resolution.~~ The City Council may approve, approve with conditions or deny a
31 request to list a structure or site on the local register. Any decision shall be in the
32 form of a resolution and shall include findings. The City Council may also specify
33 special design or other criteria to be applied to listing the structure or site on the
34 local register. Any application of conditions or criteria shall be subject to review
35 and comment by the Historical Landmarks Board and Planning Commission.

36 I. Disapproval of Proposed Designation. Whenever an nomination of a property to
37 the Local Historic Register has been rejected by the City Council, no nomination
38 that contains the same or substantially the same information as the one disap-
39 proved shall be resubmitted within a period of three years from the date of the fi-
40 nal action on the prior nomination. However, if significant new information is
41 made available and provided by and at the expense of the owner(s), the Director

1 may waive the time limit and permit an application for a new nomination to be
2 filed.

3 J. Effect of Designation. Upon designation the provisions of this Chapter shall apply
4 to the designated property on the Local Historic Register. Any removal or demo-
5 lition, exterior construction, addition, alteration, or modification, including modifi-
6 cations to landscapes, are subject to the provisions of this Chapter.

7 K. Repeal of a Local Historic Register Designation. In order to repeal the Local His-
8 toric Register designation of structure and/or site, the City Council must, following
9 public hearings as established Subsection F above, find that the Local Historic
10 Register property no longer meets the criteria for designation due to damage
11 caused by natural disaster (e.g., flood, earthquake, etc.) or reasons otherwise
12 outside of the control of the owner.

13 Changes of use, differences of opinion of subsequent City Councils, desires of
14 the property owner, or financial considerations are not sufficient reasons to re-
15 peal a designation. If the Local Historic Register designation is repealed, the de-
16 cision shall be recorded in accordance with Subsection H above.

17 **10.46.060 Historic Design Review Permit Procedures for demolition, addition or**
18 **modifications.**

19 A. Historic Design Review Permit Required. No person, owner, or other entity shall
20 restore, rehabilitate, alter, develop, construct, demolish, remove, or change the
21 exterior appearance of a property on the Local Historic Register or within a His-
22 toric Overlay Zoning District without first having applied for and been granted a
23 Historic Design Review Permit unless the work proposed is exempt as follows:

24 1. Interior Alterations. If any proposed interior alteration(s) would result in
25 any visual or material impact to the exterior of the subject building, a His-
26 toric Design Review Permit shall be required. Interior alterations on a pri-
27 vately-owned structure or on a publicly-owned structure do not require a
28 Historic Design Review Permit unless the interior has been included as
29 part of the designation.

30 2. Ordinary Maintenance and Repair. Ordinary maintenance and repairs do
31 not require a Historic Design Review Permit. For the purposes of this
32 Chapter, "ordinary maintenance and repairs" shall mean regular, custom-
33 ary, or usual care of an existing building, structure, object, or site, for the
34 purposes of preserving said property and maintaining it in a safe and san-
35 itary condition and does not involve a change of design, material, or ap-
36 pearance of the property.

37 3. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous
38 conditions due to damage caused by natural disaster (e.g., flood, earth-
39 quake, etc.) or reasons otherwise outside the control of the owner do not
40 require a Historic Design Review Permit. The Building Official shall notify
41 the Director in writing that the proposed action is necessary in order to
42 mitigate any unsafe or dangerous condition.

1 B. Application Requirements. An application for a Historic Design Review Permit
2 shall contain:

3 1. Plans and specifications showing the existing and proposed exterior ap-
4 pearance, including detailed drawings;

5 2. Details and samples of materials to be used, where applicable;

6 3. Photographs showing the property; and

7 4. Any additional material required by the Director or the Historic Landmarks
8 Board.

9 C. Review Procedures.

10 1. Administrative Historic Review Design Permit. The Historic Landmarks
11 Board may define certain categories of work as minor alterations and del-
12 egate decisions on such minor alterations to the Director via an Adminis-
13 trative Historic Design Review Permit. The Director may act upon an Ad-
14 ministrative Historic Review Design Permit, subject to the following pro-
15 cedures.

16 a. Public notice shall be provided pursuant to Chapter 10.82 (Public
17 Notice and Hearings).

18 b. Any decision by the Director on an Administrative Historic Design
19 Review Permit may be appealed to the Historic Landmarks Board
20 within ten (10) days of the date of the written decision.

21 c. The Director may refer items to the Historic Landmarks Board
22 when in the Director's opinion the public interest would be better
23 served by review and action by the Historic Landmarks Board.

24 2. Study Session. The Historic Landmarks Board may hold a study session
25 on a Historic Design Review Permit to provide general comments and di-
26 rection to the applicant. Public notice shall be provided for the study ses-
27 sion pursuant to Chapter 10.82 (Public Notice and Hearings) after an ap-
28 plication has been submitted to the Department.

29 3. Historic Design Review Permit Review. The Historic Landmarks Board
30 shall approve, conditionally approve, or disapprove the Historic Design
31 Review Permit at a noticed public hearing pursuant to Chapter 10.82
32 (Public Notice and Hearings).

33 a. If the project requires Planning Commission action on a Design
34 Review Permit per Section 10.54.050, the Historic Landmarks
35 Board shall hold a joint meeting with the Planning Commission at
36 which the Historic Landmarks Board shall consider and act upon
37 the Historic Design Review Permit and the Planning Commission
38 shall consider and act upon the Design Review Permit.

1 b. If the project requires a land use permit, other than a Design Re-
2 view Permit per Section 10.54.050, the Historic Landmarks Board
3 shall consider and act on the Historic Design Review Permit prior
4 to action taken on any other land use permit.

5 D. Required Findings. The Historic Landmarks Board shall approve a Historic De-
6 sign Review Permit only if the following findings can be made:

7 1. The work complies with the Secretary of Interior's *Standards For The*
8 *Treatment of Historic Properties With Guidelines For Preserving, Reha-*
9 *bilitating, Restoring, and Reconstructing Historic Buildings*, or its succes-
10 sor, as well as any applicable state or local ordinances and adopted
11 guidelines, or other policies; and

12 2. Additional findings for Local Historic Register properties:

13 a. The proposed work shall preserve, enhance or restore, and shall
14 not damage or destroy, the exterior architectural features of the
15 structure and, where specified in the designating ordinance, its
16 major interior architectural features; and

17 b. The proposed work shall not adversely affect the special character
18 and/or special historic, architectural or aesthetic interest or value
19 of the structure and its site, as viewed both in themselves and in
20 their setting, nor of the Historic Overlay Zoning Districts, if located
21 within one;

22 3. Additional findings for Properties in Historic Overlay Zoning Districts:

23 a. Any new construction, addition or exterior change shall be com-
24 patible with the character of the Historic Overlay Zoning District as
25 described in the designating ordinance;

26 b. Exterior change shall preserve, enhance or restore, and shall not
27 to damage or destroy the exterior architectural features of the sub-
28 ject property which are compatible with the character of the Histor-
29 ic Overlay Zoning District; and

30 c. For any exterior change where the subject property is not already
31 compatible with the character of the Historic Overlay Zoning Dis-
32 trict, reasonable efforts shall be made to produce compatibility,
33 and in no event shall there be a greater deviation from compatibil-
34 ity.

35 4. Additional findings for Sign Applications:

36 a. The proposed sign complies with all applicable provisions of
37 Chapter 10.42 (Sign and Awning Regulations);

1 b. Is consistent with the applicable sign standards and adopted
2 guidelines, where applicable; and

3 c. The proposed color, design, material, and location of the proposed
4 sign are compatible with the architectural design of the building
5 and Historic Overlay Zoning District.

6 5. Additional findings for Landscaping Applications:

7 a. The proposed removal or alterations will not affect the character of
8 the property on the Local Historic Register or in the Historic Over-
9 lay Zoning Districts; historic overlay district or structure listed on the
10 local register; or

11 b. The safety of persons or property requires the removal or altera-
12 tion.

13 6. Additional findings for Demolition Applications:

14 a. A replacement project shall be proposed.

15 b. The requirements of the California Environmental Quality Act and
16 SMC Title 11 (Environmental Protection) have been met.

17 c. Alternatives to demolition have been considered, including re-
18 using the structure with an alternate use that may not be con-
19 sistent with existing zoning (See 10.46.090(D), Additional Uses).

20 d. All financial alternatives have been evaluated, including use of his-
21 toric tax credit and acquisition by a third party.

22 e. Additional findings for Demolition Applications for accessory struc-
23 tures:

24 i. The accessory structure proposed for demolition is listed in
25 the designation as a non-contributing feature.

26 ii. The demolition of the accessory structure will not adversely
27 affect integrity of the Local Historic Register site or Historic
28 Overlay Zoning District.

29 iii. Where applicable, a replacement project is proposed.

30 E. Conditions. The Historic Landmarks Board may impose such conditions that are
31 necessary to accomplish the purposes of this Chapter and prevent or minimize
32 adverse impacts to the character defining features of the Local Historic Register
33 property or the Historic Overlay Zoning District.

34

1 **10.46.060 Procedures for demolition, addition or modifications**

2 ~~Design review shall be required for any proposal to demolish, make an addition to, or~~
3 ~~otherwise modify an existing structure that is located in the historic overlay district or is~~
4 ~~listed on the local register. Design review shall be conducted in accordance with Chapter~~
5 ~~10.54 SMC (Design Review Procedures) and the following:~~

6 ~~A. Submittal Requirements. In addition to the submittal requirements established by~~
7 ~~Chapter 10.54 SMC (Design Review Procedures), any application for demolition,~~
8 ~~addition or modification to existing structures in the historic overlay district, or~~
9 ~~listed on the local register, shall include the following:~~

10 ~~1. Plans showing all historic elements of structure or site, including materials~~
11 ~~and date of construction;~~

12 ~~2. Plans showing proposed alterations of all historic elements of structure or~~
13 ~~site, including materials to be removed, materials to be added, and mate-~~
14 ~~rials to be altered;~~

15 ~~3. Explanation of proposed changes to historic structure or site, including~~
16 ~~the reasons for alterations, addition or demolition;~~

17 ~~4. Explanation of use of State Historic Building Code and the way the code~~
18 ~~is being applied to the project, if applicable; and~~

19 ~~5. Explanation of the use of the Secretary of the Interior's Standards, if ap-~~
20 ~~licable.~~

21 ~~B. Joint Meeting. Design review shall be subject to review and approval by the His-~~
22 ~~torical Landmarks Board and Planning Commission. A joint meeting shall be held~~
23 ~~to conduct design review. A subcommittee of the Historical Landmarks Board~~
24 ~~and Planning Commission may be formed and convene to review design review~~
25 ~~permit applications and work with applicants.~~

26 ~~C. Prior Approval Required. Prior approval by the Historical Landmarks Board shall~~
27 ~~be required for any permit issued by the Building Official for construction, altera-~~
28 ~~tion, enlargement, or demolition of a structure located in an historic overlay dis-~~
29 ~~trict or listed on the local register.~~

30 ~~D. Review Criteria. In addition to the requirements of Chapter 10.54 SMC (Design~~
31 ~~Review Procedures), the Community Development Director and Historical Land-~~
32 ~~marks Board shall use the following when reviewing and approving any proposed~~
33 ~~demolition, new construction or alteration to existing structures or landscaping:~~

34 ~~1. Applicable design or other guidelines;~~

35 ~~2. The architectural or historical value and significance of the site and struc-~~
36 ~~ture in relation to the overlay district; and~~

1 3. ~~The visual relationship of proposed architectural design elements to the~~
2 ~~surrounding area, including scale, height, rhythm of spacing, pattern of~~
3 ~~windows and doorways, structure siting and relationship to landscaping,~~
4 ~~roof pitch, architectural style, and structural details, materials, colors and~~
5 ~~textures.~~

6 ~~The Historical Landmarks Board and Planning Commission shall review~~
7 ~~removal and/or alteration of landscape materials for consistency with any~~
8 ~~applicable design guidelines.~~

9 EE. Additional Demolition Procedures. The following procedures apply to any applica-
10 tion for a demolition permit for a property on the Local Historic Register or a
11 property structure that is listed on the Local Register or located within a hHistoric
12 eOverlay Zoning dDistrict:

13 1. If, after review of request for a demolition permit, the Historic Landmarks
14 ~~Board or Planning Commission~~ determines the structure itself has histor-
15 ic, architectural or cultural interest or value, the Historic Landmarks Board
16 ~~and Commission~~ may withhold approval of demolition for 180 days (from
17 the date of Board ~~or Commission~~ action) or until environmental review,
18 whichever occurs later. The 180-day delay shall be for the purpose of
19 providing time to explore alternatives to demolition. During the 180 days,
20 the Historic Landmarks Board Planning Commission may direct the
21 Community Development Department to consult with recognized historic
22 preservation organizations and other civic groups, public agencies and in-
23 terested citizens, make recommendations for acquisition of property by
24 public or private bodies or agencies, explore the possibility of moving one
25 or more structures or other features, and take any other reasonable
26 measures.

27 2. At the end of the 180-day period, the demolition permit shall be issued if
28 the requirements of the California Environmental Quality Act, Chapter
29 10.50.080 (Environmental Review), and SMC Title 11 (Environmental
30 Protection) have been met.

31 ~~F.~~ ~~Design Review Findings. The Historical Landmarks Board and Planning Com-~~
32 ~~mission may approve a design review permit to allow new construction or altera-~~
33 ~~tions to a property within the historic overlay district or listed on the local register,~~
34 ~~if all of the following findings can be made, to the extent applicable:~~

35 1. ~~The proposed new construction or alteration is compatible with the archi-~~
36 ~~tectural and historical features of the structure and/or district.~~

37 2. ~~The historical context of the original structure or district has been consid-~~
38 ~~ered during the development and review of the proposal.~~

39 3. ~~The criteria for listing the structure or site on the local register do not ap-~~
40 ~~ply, or the historic overlay district will not be affected by the new construc-~~
41 ~~tion or alterations.~~

- 1 4. ~~The State Historic Building Code is being applied to minimize alterations~~
2 ~~to the original historic structure.~~
- 3 5. ~~The Secretary of the Interior's Standards for Treatment of Historic Proper-~~
4 ~~ties have been used to review and consider the new construction and~~
5 ~~proposed alterations.~~
- 6 6. ~~Alternative uses and configurations have been considered as part of the~~
7 ~~design review process.~~
- 8 7. ~~Findings specified by Chapter 10.54 SMC (Design Review Procedures)~~
9 ~~can be made.~~
- 10 8. ~~The proposed new construction or alteration will be compatible with, and~~
11 ~~help achieve the purposes of, the historic overlay district.~~
- 12 G. ~~Landscaping Findings. The Historical Landmarks Board and Planning Commis-~~
13 ~~sion may approve a design review permit to allow landscaping beyond routine~~
14 ~~maintenance if the following findings can be made:~~
- 15 1. ~~Proposed removal or alterations will not affect the character of the historic~~
16 ~~overlay district or structure listed on the local register; or~~
- 17 2. ~~The safety of persons or property requires the removal or alteration.~~
- 18 H. ~~Demolition Findings. The Historical Landmarks Board and Planning Commission~~
19 ~~may approve a design review permit to allow partial or complete demolition of a~~
20 ~~structure listed on the local register or located in the historic overlay district if the~~
21 ~~following findings can be made:~~
- 22 1. ~~The requirements of the California Environmental Quality Act and SMC~~
23 ~~Title 11 (Environmental Protection) have been met.~~
- 24 2. ~~Alternatives to demolition have been considered, including re-using the~~
25 ~~structure with an alternate use that may not be consistent with existing~~
26 ~~zoning.~~
- 27 3. ~~All financial alternatives have been evaluated, including use of historic tax~~
28 ~~credit and acquisition by a third party.~~
- 29 G. ~~Effective Date. Historic Design Review Permits shall become effective at the end~~
30 ~~of the appeal period, provided no appeal has been submitted. Decisions of the~~
31 ~~Historical Landmarks Board and Planning Commission shall become effective 10~~
32 ~~days after the decision date, provided no appeals have been filed.~~
- 33 H. ~~Expiration of Permit. Historic Design Review Permits shall expire in two years~~
34 ~~following the effective date of the permit, provided no extension has been filed~~
35 ~~prior to the expiration date.~~

1 I. Extension. The applicant may request an extension to a Historic Design Review
2 Permit prior to expiration of the permit. The Zoning Administrator or the Historic
3 Landmarks Board may grant one extension for up to two years, in accordance
4 with Section 10.50.140 (Extension of Approved Permits).

5 J. Appeals. All decisions of the Historical Landmarks Board and Planning Commis-
6 sion may be appealed to the City Council within ten (10) days of the decision
7 date. ~~City Council appeal considerations shall be subject to the same require-~~
8 ~~ments of the Historical Landmarks Board and Planning Commission and shall in-~~
9 ~~clude consideration of any applicable plans or guidelines. Any significant change~~
10 ~~to a permit by the City Council shall be referred to the Historical Landmarks~~
11 ~~Board and Planning Commission for review and comment prior to final action.~~

12 **10.46.070 Property Maintenance Requirements**

13 Every owner in possession or control of a Local Historic Register property shall take
14 measures to ensure that the property does not fall into disrepair or become a public
15 health and safety hazard. Measures shall include ordinary repair and maintenance activi-
16 ties consisting of regular, customary, or usual care of an existing building, structure, ob-
17 ject, or site, for the purposes of preserving said property and maintaining it in a safe and
18 sanitary condition and does not involve a change of design, material, or appearance of
19 the property. In the case that a property constitutes a public nuisance, the City may take
20 enforcement action to prevent further vandalism or public nuisance pursuant to SMC
21 Chapter 12.20 (Nuisance Abatement).

22 **10.46.080 Incentives for preservation.**

23 Owners of property within the ~~downtown h~~Historic ~~o~~Overlay ~~d~~District, or owners
24 of Local Historic Register property, ~~property listed on the local register~~, are eligible to
25 apply for the following preservation benefits:

26 A. Fees. Historic Design Review Permit Design review application fees, for struc-
27 tures located in the ~~downtown h~~Historic ~~o~~Overlay ~~d~~District or listed on the
28 ~~local~~ Local Historic Register, may be waived pursuant to SMC Chapter 1.09,
29 Fees, ~~by the Community Development Director~~ for those applications which re-
30 store and rehabilitate the significant character of the structure.

31 B. Building Code Exceptions. Deviations from SMC Title 8, Buildings and Construc-
32 tion, will be allowed when the construction is in conformance with the State of
33 California Historic Building Code.

34 C. Development Standards. Exceptions to development standards (including but not
35 limited to setback, height, parking, coverage, or floor area ratio (FAR)) may be
36 granted for legal nonconforming structures. The Planning Commission may grant
37 an exception if the following findings can be made:

- 38 1. The exception is the continuation of an existing condition and the excep-
39 tion will not exceed the deviation already existing on the structure.

- 1 2. The exception would be more in character with the architectural character
2 of the structure than adhering to the standard requirements.
- 3 3. The exception would not be in violation of the State Historic Building
4 Code provisions for health and safety, would not be detrimental to any ad-
5 jacent property and would not be injurious to public health, safety or wel-
6 fare.
- 7 D. Additional Uses. Uses that are not normally allowed in a base zoning district may
8 be allowed in structures that are located in a the Historic Overlay Zoning
9 District or listed on the ~~local~~ Local Historic Register, subject to a conditional use
10 permit (Chapter 10.60 SMC). The Historical Landmarks Board shall review and
11 make a recommendation on the proposed use(s) to the Planning Commission.
12 and The Planning Commission shall consider the recommendation of the Historic
13 Landmarks Board, the impact of adaptive reuse proposals on the integrity of the
14 historic structure and the neighborhood and shall make findings specified in SMC
15 10.46.040 (Conditional uses).
- 16 1. Required Findings. The Planning Commission shall not approve alterna-
17 tive uses pursuant to this Section unless the following findings are made:
- 18 a. Exception to land use regulations is necessary to permit the
19 preservation or restoration of an historic or architecturally signifi-
20 cant structure or site;
- 21 b. Proposed use of historic or architecturally significant structure or
22 site will require minimal alterations to structure;
- 23 c. Alterations will be consistent with the Secretary of the Interior's
24 Standards for Rehabilitation;
- 25 d. A preservation agreement has been prepared and recorded speci-
26 fyng the uses allowed on subject property and preserving proper-
27 ty from demolition;
- 28 e. The Historic Landmarks Board has considered the proposed use
29 and recommends approval; and
- 30 f. A public hearing has been noticed and held in accordance with
31 Chapter 10.60 (Conditional Use Permits) and Chapter 10.82 (Pub-
32 lic Notice and Hearings).
- 33 E. Parking. Uses in sites or structures within the Historic Overlay Zoning District
34 or listed on the local register Local Historic Register may be eligible for reduced
35 parking requirements, consistent with SMC 10.40.110(D)(3) (Historic Overlay
36 Zoning District) and 10.40.110(G) (Other Reductions).
- 37 F. Written Agreement. The granting of any exceptions shall be conditional upon a
38 written agreement between the City and the property owner that ensures preser-
39 vation of the structure's significant character. The agreement shall give the City

1 the right to revoke the approval at any time the applicant has not complied with
2 the conditions of approval. The agreement shall be recorded with the County Re-
3 corder.

4 G. Termination. The approval of exceptions from the standard code provisions for
5 structures in an ~~H~~Historic ~~e~~Overlay Zoning ~~d~~District or listed on the ~~local register~~
6 Local Historic Register is terminated when the structure is demolished, or when
7 the structure is altered in a manner that destroys or diminishes the significant
8 character of the structure. All benefits derived from approval shall be removed.

9 I:\CDD\PROJECTS - NON-ADDRESS\ZOA\2011\11-070 Hist Preserv Regs\Draft Regs\Oct 2014\Chapter 10.46 - 10-08-
10 2014.docx

11