

Chapter 15.48 - HISTORIC DISTRICTS AND SITES

Sections:

15.48.010 - Purpose—Authority.

This chapter is adopted pursuant to the authority of Government Code Section 37361 for the purpose of preserving areas and specific buildings of the city which reflect elements of its cultural, social, economic, political, architectural and archaeological history. This chapter is intended to stabilize and improve buildings, structures or areas which are considered to be of historical, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of specific buildings for the education and welfare of the citizens.

(Prior code § 18-41)

15.48.020 - Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them unless the context indicates another meaning:

"Historic district" means any area of the city containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as an historic district under the provisions of this chapter.

"Historic site" means a historic site is any real property such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archeological excavation or object that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect; and

1. That is associated with events that have made a meaningful contribution to the nation, state or community;
2. That is associated with lives of persons who made a meaningful contribution to the nation, state or local history;
3. That reflects or exemplifies a particular period of the national, state or local history;
4. That embodies the distinctive characteristics of a type, period or method of construction;
5. That presents the work of a master builder, designer, artist, or architect whose individual genius influenced his or her age; or that possesses high artistic value;
6. That represents a significant and distinguishable entity whose components may lack individual distinction; or

7. That has yielded or may be likely to yield information important to national, state or local history or prehistory.

(Prior code § 18-42)

15.48.030 - Exceptions.

The regulations contained in this chapter do not apply to routine maintenance or repair to restore a structure as near as possible to its original condition after decay, injury, dilapidation or partial destruction of a structure within an historic district or upon an historic site, provided such maintenance or repair does not exceed one thousand five hundred dollars (\$1,500.00) in value.

(Prior code § 18-43)

15.48.040 - Appeal.

Any person aggrieved by an action of the planning commission under this chapter may appeal the decision to the city council by filing a request to appeal with the city clerk within ten (10) days from the planning commission's decision.

(Prior code § 18-44)

15.48.050 - Penalty for chapter violation.

Any violation of this chapter shall constitute a misdemeanor.

(Prior code § 18-45)

(Ord. No. 1098, § 37, 12-14-16)

15.48.060 - Injunctive relief.

The city council may seek relief from the appropriate court to restrain or enjoin any violation of this chapter and of the orders and decisions of the planning commission, or to compel the reconstruction of any building, structure or object which is destroyed in violation of this chapter or the orders and decisions of the planning commission or city council.

(Prior code § 18-46)

15.48.070 - Compliance with other laws.

- A. The provisions of this chapter are separate from and additional to all other requirements of law, including but not limited to compliance with other ordinances and codes of the city, conditions of approval of land use permits and architectural review and approval. Neither a certificate of

approval nor any other provisions of this chapter shall be deemed to relieve the owner or applicant from full compliance with any such laws, ordinances, codes or conditions.

- B. All permits issued for construction, preservation, restoration or alteration of a building designated as an historic site shall be issued in accordance with the state historic building code as provided in Health and Safety Code, Sections 18950 through 18961, or as amended, which the city adopts and incorporates in this chapter by this reference.

(Prior code § 18-47)

15.48.080 - Created by council.

The city council may designate one or more historic sites or districts by following the procedures specified in this section. Designations will be made by categorizing nominated sites and districts into one of the following classifications and such other categories as may be designated by resolution:

- A. Class 1. Structure/site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Structure/site may not be modified nor objects moved without the approval of the city council; usage may be limited by the city council to the extent that it may impair the integrity of the site. Site will be plaqued (intended for use when the structure or site still exists as it did during the historical period or is restorable).
- B. Class 2. Site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Site is eligible for plaquing (intended for use when the site is not occupied by a modern structure or use which is different than that of the historical period or if structure is unusable, nonconforming, unrestorable or the like).
- C. Class 3. Structure/site was constructed before 1945, or a year to be determined by the city council, or construction date cannot be confirmed. Eligible for a six-month stay of demolition. Action of the historical site preservation board may include recommendation to reclassify. All structures built prior to the subject date would be automatically so classified.
- D. Historic District. Qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained and shall contain a map delineating contributing and noncontributing structures or sites. Contributing structures/sites shall be subject to class 1 regulations until such time that they may be reclassified. Non-contributing structures/sites shall be subject to review by the historical site preservation board before demolition or construction. A specific plan, containing special regulations pertaining to the subject area, may be adopted by each district.

(Prior code § 18-51)

15.48.090 - Investigation and study by the planning commission.

The city council designates the planning commission to act as an investigatory and advisory body with respect to preservation of historic sites or structures within the city. The planning commission shall conduct or cause to be conducted such preliminary surveys, studies or investigations as it deems necessary to adequately inform the planning and city council prior to the public hearing, and shall make available to any interested person the results of any such survey, study or investigation. The planning commission may request the assistance of any individual who has knowledge and interest in the cultural, socioeconomic, architectural or archaeological history of the area, either through experience, training, education or occupation.

(Prior code § 18-52)

15.48.100 - Notice of public hearing by the planning commission.

- A. Mailed notice of the public hearing shall be provided at least ten (10) days prior to the hearing to the owners of all property lying within the area proposed to be designated as an historic site or district or within three hundred (300) feet of the outer boundaries of the area proposed to be designated as an historic site or district, and in addition to such mailed notice, notice of such hearing shall be published in a newspaper of general circulation within the city at least ten (10) days prior to such hearing. If mailed notice as required above would result in notice to more than two hundred fifty (250) persons, as an alternative to such mailed notice, notice may be given by placing a display advertisement in a newspaper of general circulation in the city, and by posting such notice in at least three conspicuous places within the proposed boundaries of such site.
- B. Notice of public hearing before the city council may be combined with the notice of public hearing before the planning commission; provided, that the date set for public hearing before the city council shall be not more than sixty (60) days later than the date set for public hearing by the planning commission. For good cause, the public hearing may be continued from time to time, without further published notice, by announcing the fact at the time and place set for the public hearing before the city hearing body.

(Prior code § 18-53)

15.48.110 - Findings—Recommendation to the city council.

Following such public hearing, the planning commission shall make findings upon which it shall base its recommendation to the city council concerning the designation of such proposed historic site or district. Within thirty (30) days after the conclusion of the public hearing, the planning commission shall file its recommendation with the city council, together with a report of findings, hearings, and other supporting data.

(Prior code § 18-54)

15.48.120 - Public hearing—City council.

The city council shall hold a public hearing upon notice given in the same manner and to the same persons as required for the public hearing before the planning commission, which notices may be combined as stated elsewhere in this chapter.

(Prior code § 18-55)

15.48.130 - Same—Conduct.

At the public hearing the city council shall receive all evidence and hear all interested persons, and the matter shall then be submitted to the city council for decision.

(Prior code § 18-56)

15.48.140 - Same—Findings and decisions—Resolution.

If the city council shall find that the purposes of this chapter are furthered by designation of property as an historic site or district, such findings shall be stated in a resolution designating such property within such historic site or district. From and after the adoption of such resolution, all property within such historic site or district shall be subject to the rules and regulations governing the demolition, preservation, rehabilitation or alteration of historic sites.

(Prior code § 18-57)

15.48.150 - Markers for designated historic sites.

- A. Upon designation of an historic site by the city council, the planning commission may determine which historic sites shall be marked with uniform and distinctive markers. The markers shall be of a design approved by the planning commission.
- B. As a courtesy, notice may be given to the county historical commission and the state department of parks and recreation (office of historic preservation) regarding the proposed location of markers prior to installation to permit recommendations by those agencies.

(Prior code § 18-58)

15.48.160 - Initiation of proceedings for nomination in the national register.

- A. The planning commission may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the national register by motion, and shall then hold at least one public hearing prior to making a recommendation to the city council.

- B. The city council may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the national register by motion, and shall then refer the matter to the planning commission for public hearing and recommendation.
- C. Upon final action by the city council recommending a property for nomination to the national register, the recommendation will be forwarded by appropriate application to the state department of parks and recreation.

(Prior code § 18-50)

15.48.170 - Stay of demolition.

At any time after the initiation of proceedings for designation of an historic site or district, the planning commission may, upon its own motion or upon the application of any interested person, issue an order staying any proposed or threatened demolition or alteration of the exterior or any structure within or upon such proposed site. Such stay order shall be effective for no longer than one hundred twenty (120) days, and is intended to afford time for necessary studies, hearings and determination whether such sit should be designated as an historic site. Such stay order may be extended once for a period not to exceed sixty (60) days.

(Prior code § 18-71)

15.48.180 - Effect of stay order—Exceptions.

Upon the issuance of a stay order, no permit shall be given for the demolition or exterior alteration of any structure or the interior arrangement of a public building described in such stay order and any such permit previously issued shall forthwith be revoke subject to any legal constraints that may exist; provided, however, that a stay order shall not prevent the performance of an repairs, demolition, or removal necessary for the protection of public health or safety, and ordered by the chief building official of the city to be performed by the owner or occupier of such structure.

(Prior code § 18-72)

15.48.190 - Approval required.

No person may undertake any of the following within or upon a class 1 historic site without a certificate of approval from the planning commission:

- A. Construction of a new structure.
- B. The moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure.
- C. A change in land use which affects the exterior appearance of a structure or the interior

arrangement of public buildings.

- D. The erection, remodeling or replacing of a sign which affects the exterior appearance of a structure.

(Prior code § 18-73)

15.48.200 - Application for permit to construct or alter structures.

A person who desires to construct (including new construction), alter, move or demolish a structure within or upon a class 1 historic site or an historic district shall file an application upon a form prescribed by the city. The application shall include all necessary information required by the rules of the planning commission. When the application is filed, it shall be referred to the planning commission for review at its next meeting.

(Prior code § 18-74)

15.48.210 - Factors to be considered upon permit application.

In reviewing and acting upon each application, the planning commission shall consider:

- A. The historic value and significance, or the architectural value and significance or both, of the structure and its relation to the historic value of the surrounding area.
- B. The relationship of the exterior architectural features of any structure to the rest of the structure itself and to the surrounding area.
- C. The general compatibility of exterior design, arrangement, texture and material which is proposed by the applicant.
- D. Archaeological or ecological significance of the area.

(Prior code § 18-75)

15.48.220 - Board action restricted to exterior features—Exception.

- A. The planning commission shall consider and pass upon only the exterior features of a structure and may not consider the interior arrangement of the structure, except in the case of public buildings. The commission may not disapprove applications except in regard to the considerations set forth in this chapter and in rules and regulations adopted by the planning commission pursuant to this chapter.
- B. It is the purpose and intent of this chapter that the planning commission be strict in its judgment or plans for structures considered to have great historic or architectural value. It is also the purpose of this chapter and the intent of the city council that the planning commission be lenient in its judgment of plans for structures which have little or no historic value except for plans which

seriously impair the historic or architectural value of surrounding structures or the archaeological or ecological value of surrounding, area. In adopting this chapter the city council does not intend to limit new construction, alteration or repairs to any particular period or architectural style.

(Prior code § 18-76)

15.48.230 - Procedure upon permit application.

- A. Upon the filing of an application, the secretary of the planning commission shall set the matter for review and shall give notice in accordance with this chapter and the rules of the planning commission. The planning commission shall make its decision within forty-five (45) days from the date the application is filed. If the planning commission fails to act within forty-five (45) days, the application is considered approved unless the applicant and the planning commission agree to an extension of time.
- B. At the conclusion of its review, the planning commission shall make its decision and shall file a certificate of approval or certificate of rejection with the building official of the city. No person may do any work upon a structure which is subject to an application until the planning commission has filed its certificate of approval. If the planning commission files a certificate of rejection, the building or demolition official may not issue a permit for such work.

(Prior code § 18-77)

15.48.240 - Special considerations.

- A. If an application affects the exterior appearance of a structure or proposes to demolish a structure in a manner which the planning commission considers to be detrimental to the city, the planning commission shall attempt, in cooperation with the owner to arrive at an economically feasible plan for the preservation of the structure.
- B. If the planning commission is satisfied that the propose construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application.
- C. If the planning commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, it shall approve the application.
- D. The planning commission may approve the application if any of the following circumstances exist:
 - 1. The structure is a deterrent to a major improvement program which substantially benefits the city;
 - 2. Retention of the structure causes an undue hardship to the owner; or
 - 3. Retention of the structure is not in the interest of the majority of the inhabitants of the city.
- E.

The planning commission may approve the moving of a structure of historical architectural value as an alternative to demolition.

(Prior code § 18-78)

15.48.250 - Limit on number of permit applications.

No application for the same or similar work may be filed within one year after the planning commission has rejected it.

(Prior code § 18-79)

15.48.260 - Preexisting building permits.

This chapter does not apply to construction, alteration, moving or demolition of a structure started under a building permit issued before the effective date of this chapter.

(Prior code § 18-80)