

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE RELATED TO HISTORIC PRESERVATION

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

“Summary

This proposed ordinance amends Chapter 17.62 and sections 17.61.080.H, 17.28.080.A, 17.50.250.E.1.f, 17.61.030, 17.72.060.A and 17.80.020 of Title 17 (Zoning Code) of the Pasadena Municipal Code related to Historic Preservation.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62 – HISTORIC PRESERVATION is amended as shown in Exhibit 1, attached hereto and incorporated by reference.

SECTION 3. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80. Section 17.80.020 – DEFINITIONS is amended to remove the definition and all subdefinitions of the term “Historic Preservation” and to add the following definitions in proper alphabetical order:

- **“California Register of Historic Resources (Also California Register).** The

State Statute codified in the California Public Resources Code Section 5020.1 et seq.

- **Historic District.** A grouping of properties listed or determined eligible for listing in the National Register of Historic Places.
- **Historic Resource.** A district, landscape, object, sign, site, or structure significant in American archeology, architecture, culture, engineering, or history that is either designated or eligible for designation under City, State, or national significance criteria.
- **Landmark District.** A grouping of properties that meets the criteria of Section 17.62.040.F and is so designated by the City Council through the adoption of an LD Overlay Zoning District Ordinance or determined eligible for such designation.
- **National Register of Historic Places (Also National Register).** The official inventory of districts, sites, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470-470t, 36 C.F.R. Sections 60, 63).
- **Secretary of the Interior's Standards for Rehabilitation (Also Secretary's Standards).** The Secretary of the Interior's Standards for Rehabilitating Historic Buildings, issued by the U.S. Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service, Preservation

Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, N.P.S.) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, N.P.S.), and any subsequent publication on the Secretary's Standards by the N.P.S."

SECTION 4. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.080.H. Variances for Historic Resources is amended as follows:

"H. Variances for Historic Resources.

1. Purpose.

a. A Variance for Historic Resources is intended to accommodate historic resources that are undergoing development, adaptive change in use or are being relocated.

b. This unique type of Variance is designed to provide relief from the strict compliance with the development standards of this Zoning Code that may impair the ability of a ~~designated~~ historic resource to be properly used ~~for adaptive-reused~~ or to be relocated onto a new site.

c. The Variance shall not allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located and only applies if the property has a historic designation or is required, as a condition of approval of the Variance, to submit an application for historic designation prior to completion of the proposed project or establishment of the proposed use.

~~d. Adaptive use is defined as the reuse of a structure with a new use different~~

from that for which the structure was originally constructed.

2. Procedures.

a. The Hearing Officer shall be the applicable review authority for Variances for Historic Resources.

b. The procedures for a Variance for Historic Resources shall be the same as for a Minor Variance, including those for notice and hearing upon request.

3. Findings and decision. Following a public hearing, if required, the review authority may approve a Variance for Historic Resources application, with or without conditions, only after first finding that:

a. The Variance for Historic Resource is necessary to facilitate the appropriate use of an existing ~~designated~~ historic structure;

b. The Variance for Historic Resource would not adversely impact property within the neighborhood or historic district; and

c. Granting the Variance for Historic Resource application would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.28, Section 17.28.080.A. LD Landmark Overlay District Purpose is amended as follows:

“A. **Purpose.** The purposes of the LD landmark overlay district are to:

1. Implement the General Plan by ensuring development consistent with the urban design, neighborhood enhancement, housing, land use, and historic and cultural resources elements thereof;

2. Deter the demolition, destruction, alteration, misuse or neglect of architecturally significant buildings that form an important link to Pasadena's past;
3. Promote the conservation, preservation, protection, and enhancement of each landmark district;
4. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property; and
5. Encourage development ~~tailored to the character and significance of each LD overlay district through a conservation plan that includes goals, objectives, and design criteria that is consistent with the Secretary of the Interior's Standards and City Council-adopted design guidelines based on the Secretary of the Interior's Standards.~~"

SECTION 6. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.030, Table 6-2. THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT, #7, Public Projects, is amended as follows:

| 7. Public Projects. | |
|---|-----------------|
| <p>New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft.</p> <p>Minor projects, as defined in Section 17.80-020.H62.030.V, affecting historic resources.</p> | <p>Director</p> |

| | |
|---|---|
| <p>New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more. Minor <u>Major</u> projects, as defined in Section 17.80.020.H <u>62.030.U</u>, affecting historic resources.</p> | <p>Design Commission (With advisory review by Historic Preservation Commission for projects affecting historic resources)</p> |
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SECTION 7. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.030, Table 6-3. THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS, #6, Public Projects, is amended as follows:

| | |
|---|-----------------|
| <p>6. Public Projects.</p> | |
| <p>New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft.* Minor <u>Major</u> projects, as defined in Section 17.80.020.H <u>62.030.V</u>, affecting historic resources.</p> | <p>Director</p> |

| | |
|--|---|
| <p>New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more. Minor <u>Major</u> projects, as defined in Section 17.80.020.H62.030.U, affecting historic resources.</p> | <p>Design Commission (With advisory review by Historic Preservation Commission for projects affecting historic resources)</p> |
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SECTION 8. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.030.K. Design Review Findings, is amended as follows:

"K. **Findings.** The following findings shall be made before approval of a Design Review application.

1. **For all applications.** The project's design is consistent with
 - a. The purposes of this Section; and
 - b. Any applicable design guidelines adopted by the Council.
2. **Historic resources in the Central District.** In addition to the two findings identified in Subparagraph 1., above, the alteration to a designated historic resource or resource qualifying for a historic designation ~~in the Central District~~ is consistent with the Secretary's Standards.
3. **Alterations to structures with 6L or 7N status code.** In addition to the two

findings in Subparagraph 1., above, the alteration to a structure with 6L or 7N status code in the Central District is consistent with the Secretary's Standards, or alternatively, with other adopted design guidelines. The Director may choose not to apply these standards due to a loss of historic integrity, as defined in Section 17.62.030.Q, or setting.

4. Demolitions, relocations, and demolitions without a Building Permit for a replacement structure in the Central District. In addition to the two findings identified in Subparagraph 1., above, the demolition, relocation, and demolition without a Building Permit for a replacement structure in the Central District is consistent with the findings identified in Section 17.62.090 (Alteration, Demolition, or Relocation of a Historic Resource).”

SECTION 9. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.060.A, Calls for Review, Authority and Final Decision, is amended as follows:

“A. Authority and final decision. The authority and final decision for a Call for Review is as follows:

1. Historic Preservation Commission's review.

a. Review. The Historic Preservation Commission may choose to Call for Review a decision by the Director's action on Historic Preservation applications in compliance with Chapter 17.62, including applications for Certificate of Appropriateness, Relief from the Replacement Building Permit Requirements, demolition/alteration of a historic resource without a permit and disapproval of applications for designation of

historic properties and districts.

b. Decision final. The decision of the Historic Preservation Commission shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Chapter.

2. Design Commission's review.

a. Review. The Design Commission may choose to Call for Review a decision by the Director regarding the Director's action on a Design Review in compliance with Section 17.61.030 and decisions authorized under Section 17.62.0320-B.

b. Decision final. The decision of the Design Commission shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Section.

3. Board of Zoning Appeals' review.

a. Review. The Planning Commission may choose to Call for Review a decision rendered by the Director, (except decisions in compliance with ~~Chapter~~ Section 17.61.030 or ~~Section~~Chapter 17.62.090) Zoning Administrator, Hearing Officer, Film Liaison, or Environmental Administrator to the Board of Zoning Appeals.

b. Decision final. The decision of the Board of Zoning Appeals shall be final unless Called for Review by the Council or an appeal is filed in compliance with this Section.

4. Council's review.

a. Review. The Council may choose to review a decision rendered by the Director, Zoning Administrator, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, Planning Commission, Design Commission, Arts and Culture

Commission or the Historic Preservation Commission. When such decisions are called for review, they shall be reviewed by the Review Authority as contained in 17.72.020.

b. Decision final. The decision of the Council on the appeal shall be final and shall become effective upon adoption by the Council.

5. Filing of an appeal pending a Call for Review.

a. Right to file an appeal. An eligible person affected by a determination, decision, or action, as specified in Section 17.72.030 (Eligibility) may file a timely appeal in compliance with this Chapter even though a Call for Review has been filed in compliance with this Section.

b. Effect of filing an appeal. The filing of the appeal shall serve to protect the rights of the appellant(s) in the event the Call for Review is subsequently withdrawn or fails.

6. Withdrawal or failure of a Call for Review. If a request for a Call for Review is withdrawn after filing, or fails, the remaining days of the Call for Review period shall start from the date on which the Call for Review is withdrawn or fails.”

SECTION 10. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.250.E.1.f, Residential Uses – Accessory Uses and Structures Size, height and setback requirements, Modification by Historic Preservation Commission, is amended as follows:

“Modification by for Hhistoric Preservation Commissionresources. For designated landmarks or structures in a designated landmark or historic district, the maximum height (including the top plate height) of an accessory structure may be

exceeded without a Minor Conditional Use Permit, but only if approved by the ~~Historic Preservation Commission~~ Director, and only upon finding that the greater height is necessary in order to achieve a design that is architecturally compatible with the main structure.

SECTION 11. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 12. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2021.

Victor M. Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

EXHIBIT 1

Chapter 17.62 - Historic Preservation

17.62.010 - Purpose of Chapter

The purpose of this Chapter is to specify significance criteria for the designation of historic resources, procedures for designation, and review procedures to:

- A. Encourage and promote the adaptive reuse of the City's historic resources;
- B. Enhance, perpetuate, and preserve architecturally and historically significant structures and promote revitalization of historic neighborhoods and commercial areas;
- C. Ensure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded;
- D. Foster civic pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;
- E. Fulfill the City's responsibilities:
 - 1. As a Certified Local Government under Federal preservation laws; and
 - 2. For Federal Section 106 reviews and for the California Environmental Quality Act regarding historic resources.
- F. Promote the identification, documentation, and evaluation of the significance of individual historic resources and districts;
- G. Implement the historic preservation goals, policies, and programs of the General Plan;
- H. Promote the City as a destination for tourists and as a desirable location for business;
- I. Promote public awareness of the value of rehabilitation, restoration, and maintenance of the existing building stock as a means to conserve reusable material and energy resources;
- J. Recognize the City's historic resources as economic assets; and

K. Stabilize and improve property values, and enhance the aesthetic and visual character and environmental amenities of the City's historic properties and areas. 17.62.020 - Administrative and Review Authorities - Powers and Duties

The powers and duties of the applicable review authorities are identified in Table 6-5, below.

TABLE 6-5 - REVIEW AUTHORITIES - POWERS AND DUTIES

| Review Authority | Powers and Duties |
|------------------|--|
| Director | <ol style="list-style-type: none"> 1. Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/delay <u>disapprove</u> major projects (except demolition) affecting historic resources eligible for designation; 2. a Approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. 3. <u>Approve/disapprove applications for Historic Resource Economic Hardship Waiver.</u> 4. <u>Approve/disapprove requests to exceed allowable height for accessory structures in compliance with Section 17.50.250.E.1.f.</u> 5. Conduct preliminary r <u>Reviews of applications for designation of a historic monuments, landmarks, landmark trees, or historic signs and either prepare a recommendation of approval to the Historic Preservation Commission or determine that the nominated resource does not meet the criteria for designation.</u> 6. <u>Conduct initial review of landmark district eligibility and boundaries and determine potential eligibility. Conduct informational workshop for affected property owners when new eligible landmark districts are identified.</u> 7. <u>Conduct historic resource evaluations.</u> 8. Determine if a property is contributing or non-contributing to a historic or landmark district or to a district eligible for designation. 9. For public projects, review minor projects affecting <u>City-owned</u> historic resources. |

Historic
Preservation
Commission

10. Conduct design review for projects requiring both design review by the Director as specified in Table 6-2 and Table 6-3 and a Certificate of Appropriateness pursuant to this chapter (after consulting with and receiving advice from the Historic Preservation Commission).
 11. Review applications to rescind or amend a landmark district or conservation plan and either prepare a recommendation of approval to the Historic Preservation Commission or disapprove the applications.
 12. Approve/disapprove applications to extend time limits for correction of violations of this Chapter.
 13. Approve/disapprove applications to waive the two-car covered parking requirement.
 14. Approve/disapprove requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.
 15. Approve/disapprove requests for alternative lot line determination (Zoning Administrator).
 16. Approve/disapprove applications for Historic Property Contract, based on administrative guidelines approved by the City Manager.
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1. Review applications for designations of historic monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.
 2. Review applications for designations of landmark districts and either forward a recommendation of approval to the Commission and Council or deny the applications.
 3. Outside of the CD zoning district, approve/disapprove, applications for Certificates of Appropriateness for major projects affecting historic resources and demolition projects affecting historic resources eligible for designation.
 4. For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting historic resources.
 5. Review appeals of decisions of the Director in compliance with this Chapter. Call for review decisions of the Director in compliance with this Chapter, and conduct such review.

~~Approve/disapprove applications for relief from the replacement Building Permit requirement for historic resources, outside the CD zoning district.~~
~~Act as decision-making body on applications for an economic hardship variance outside the CD zoning district. Approve requests to exceed allowable height for accessory structures in compliance with Section 17.50.250.~~
~~Review appeals of penalties for demolition without required approvals.~~

6. Review Provide advisory comments to the ~~D~~design Commission review authority for projects requiring both an application for a Certificate of Appropriateness and an application for Design Review.
7. Provide advisory comments to the applicable review authority for major projects that require a Zoning entitlement.
8. Review applications to rescind or amend a landmark district or conservation plan and recommend approval to the Council or disapprove the applications.

Hearing Officer

1. Approve/disapprove applications for Variances for Historic Resources.

Design
Commission

1. In the CD zoning district, approve/disapprove Design Review applications for major projects affecting designated historic resources and approve/disapprove relief from the replacement Building Permit requirement for designated and eligible historic resources meeting the design review thresholds in Section 17.61.030.
2. In the CD zoning district, review appeals of Relief from the Replacement Building Permit Requirement decisions of the Director; call for review such decisions of the Director, and conduct such review.
3. ~~Act as decision-making body on applications for an economic hardship variance in the CD zoning district.~~
As specified in Table 6-2 and Table 6-3, review public major projects affecting City-owned historic resources (after consulting with and receiving advice from the Historic Preservation Commission).
4. Conduct design review for projects requiring both design review by the Design Commission as specified in Table 6-2

| | |
|---------------------|--|
| | <p><u>and Table 6-3 and a Certificate of Appropriateness pursuant to this chapter (after consulting with and receiving advice from the Historic Preservation Commission).</u></p> <p>5. <u>Review requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.</u></p> |
| Planning Commission | <p>1. <u>Recommend to Council approval/disapproval of landmark district zoning map overlays amendments.</u></p> <p>2. <u>Review applications to rescind or amend a landmark district or conservation plan and forward a recommend to the Council.</u></p> |
| Council | <p>1. <u>Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts.</u></p> <p>2. <u>Call for rReview/ appeals of decisions in compliance with this Chapter of the Director, Historic Preservation Commission, and Design Commission. Call for review decisions of the Director, Historic Preservation Commission, and Design Commission in compliance with this chapter, and conduct such review as specified in Chapter 17.72.</u></p> <p>3. <u>Approve/disapprove applications to rescind or amend a landmark district or conservation plan.</u></p> |

17.62.030 - General Procedures Definitions

The following are definitions of specialized terms and phrases used in this Chapter. Where these terms may be used elsewhere in this Zoning Code, the definition in Article 8 – Glossary of Specialized Terms and Land Use Types shall apply. Any terms not defined in this section are defined in Article 8.

A. ~~Review of applications for Certificate of Appropriateness.~~ **Adaptive Use/Reuse.** The process of reusing an existing building for a purpose other than that for which it was originally built or designed.

- ~~1. The reviews by the Historic Preservation Commission are limited to areas outside of the Central District.~~

- ~~2.—All applications to the Historic Preservation Commission for a Certificate of Appropriateness and relief from the replacement building permit requirement shall be processed in compliance with the standard review procedures identified in Chapter 17.76 (Public Hearings).~~
- ~~3.—The provisions of Chapter 17.60 (Application Filing and Processing) and Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), apply to all Historic Preservation reviews. All decisions by the Planning Director may be appealed or called for review, except as otherwise specified in this chapter.~~
- ~~4.—In all cases, the Director, the Historic Preservation Commission, and Design Commission shall apply the Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings (or when applicable the Secretary of the Interior's Standards for the Treatment of Historic Properties) to all reviews affecting historic properties. In addition, in landmark and historic districts, the Director or Historic Preservation Commission shall also apply the Design Guidelines for Historic Districts in Pasadena, California.~~
- ~~5.—Outside of the Central District, exterior work subject to regulatory review in designated landmark districts and designated or eligible historic districts is limited to public view from public streets; views from public alleys are excluded from review.~~
- ~~6.—For individually designated landmarks and monuments and properties individually listed in the National Register, the Director or Historic Preservation Commission shall concentrate reviews on features open to view from public streets and public sidewalks. The Director or Historic Preservation Commission may also review work out of public view if the alterations affect significant character defining features of the historic resource or if the work may have an adverse effect on the overall historic integrity of the resource.~~
- ~~7.—In landmark and historic districts outside the Central District, the following items shall be exempt from review: Paint colors and stains, routine maintenance and minor repairs, landscaping (except for trees protected under Chapter 8.52 — Tree Protection), all interior alterations, screens and awnings, flat concrete work (including driveways and walkways), rear yard walls and fences, reroofing (except for a change of material) exterior lighting fixtures, and window/door grilles.~~
- ~~8.—In the event of a conflict between an adopted conservation plan and the procedures of this chapter, the conservation plan shall prevail.~~

- ~~9. For major projects requiring a Certificate of Appropriateness and design review, the Director or Design Commission, according to the design review thresholds in Table 6-2 or Table 6-3, shall be the review authority. The Historic Preservation Commission shall make a recommendation to the design review authority, based on compliance of the project with the Secretary's Standards.~~
- B. Review of applications in the Central District.** ~~The Design Commission shall review applications for additions, alterations, demolitions, relocations, and new construction and relief from the replacement Building Permit requirement in the Central District as specified in Table 6-3 in Section 17.61.030 and Table 6-5 of Section 17.62.020.~~ **B. Alteration/Substantial Alteration (also alter).** Any physical modification or change to the exterior of a structure, site object, or designated interior that may have a significant adverse effect on character-defining features of a historic resource. Alteration shall also include new construction of additions, but not include ordinary maintenance and repairs.
- C. Application submittal requirements.** ~~The Director shall specify the application submittal requirements for designation of historic resources and for reviews of projects to alter, demolish, relocate historic resources, and of new construction in a historic or landmark district.~~ **Building.** A structure created principally to shelter any form of human activity. Examples include, but are not limited to, houses, churches, offices, municipal buildings, stores, restaurants, theaters, etc.
- D. Certified Local Government.** The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) and the subsequent participatory agreement between the City and the State of California Office of Historic Preservation.
- E. Character-Defining Features.** The physical elements and characteristics of a historic resource that lend the resource its authenticity and significance. Character-defining features can include, but are not limited to, a property's setting and site plan, overall form and massing, architectural style, materials, finishes, openings and decorative detailing.
- F. Conservation Plan.** A plan adopted by the City Council for each of the City's first three designated landmark districts: Bungalow Heaven, Garfield Heights and Banbury Oaks.
- G. Contributing Resource.** A building, structure, site or object that has characteristics and features that relate to the historic context and historic significance of a historic resource and that has been specified in the designation, listing or evaluation as contributing or subsequently determined to be contributing by the Director, the Historic Preservation Commission or the City Council.

H. **Cultural Landscape.** A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in Preservation Brief 36.

I. **Demolition.** Each of the following definitions independently constitutes demolition of a historic resource:

1. The complete destruction or removal of a building, structure, site or object, or
2. Removal of more than 50 percent of the perimeter walls of a building or structure. An existing exterior wall that is proposed to become an interior wall is considered a removed wall for purposes of calculating 50% exterior wall removal, or
3. Substantial removal of a structural wall of a street-facing or primary elevation of a building or structure that may have an adverse affect on the historical significance of a historic resource.

J. **Demolition by Neglect.** The failure to provide ordinary and necessary maintenance and repair, as defined in Section 17.62.110 to a historic resource, whether the neglect is willful or unintentional or by design, by the owner or any party in possession of the property, which results in one or both of the following conditions:

1. The severe deterioration of exterior features so as to create or permit a dangerous or unsafe condition to exist, as defined in Title 14 of the Municipal Code.
2. The severe deterioration of exterior walls, roof, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, that could result in permanent damage and loss of the architectural and/or historic significance of a historic resource.

K. **Elevation, Primary.** The front façade of a building. Typically the primary elevation faces a public street; however, other factors may determine the primary elevation of a building, including, but not limited to, the position of the main entry and windows, façade ornamentation, etc.

L. **Elevation, Secondary.** The facades of a building other than the primary elevation.

- M. Environmental Setting.** The entire lot as of the date of landmark or historic monument designation or listing in the National Register, on which is located a historic resource, and to which it relates historically, physically, and/or visually. The environmental setting includes, but is not limited to, accessory structures, driveways, fences, gateways, open space, rocks, vegetation (including gardens, lawns, and trees), walkways, and walls.
- N. Fixture.** A decorative or functional device permanently affixed, or originally permanently affixed, to the site or the interior or exterior of a structure and contributing to its ability to meet the criteria for designation as a historic resource. Permanently affixed includes, but is not limited to, attachment by screws, bolts, pegs, nails or glue, and may include the attachment methods as rope, glass or leather if the material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass or other decorative windows and decorative hardware.
- O. Historic Context.** A broad pattern of historical development in a community or its region, which may be represented by historic resources.
- P. Historic Resource Economic Hardship Waiver.** A waiver granted to a property owner or applicant for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property.
- Q. Integrity.** The ability of a property to convey its historical significance. A property would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.
- R. Noncontributing Resource.** A building, structure, site or object lacking architectural characteristics relating to the historic context and historic significance of a historic resource, and identified in the designation, listing or evaluation as noncontributing or subsequently determined to be noncontributing by the Director, the Historic Preservation Commission or the City Council.
- S. Object.** A construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Examples include, but are not limited to, fountains, mile markers, monuments, sculptures, statuary, etc.
- T. Period of Significance.** Refers to the span of time during which a historic resource has attained significance relating to the criteria for designation (e.g., the era when the historic resource was substantially developed or the end of a certain historical period).

U. **Project (Major).** Includes, but is not limited to, any of the following:

1. Any demolition or relocation of a historic resource, or removal of a character-defining feature of a historic resource. This includes character-defining interior or exterior fixtures designed by the firm of Greene and Greene and interior character-defining features of designated historic monuments, as specified in the designation report.
2. Any undertaking that significantly alters or changes the street-facing or primary elevation of a historic resource, including changes to materials or muntin patterning of windows and doors or to the sizes of their openings, the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property, and the addition of dormers and other architectural features.
3. Any addition of square footage to a primary building elevation.
4. Construction of a new primary structure in a designated or eligible landmark or historic district.
5. Demolition of a non-contributing resource in a designated landmark or historic district.
6. Construction of a new house or addition greater than 500 square feet on a non-contributing property in a designated landmark or historic district that results in the total square footage of the house exceeding 35% above the median house size of all properties within a 500 foot radius of the subject property, calculated as outlined in Section 17.22.050.E and also excluding properties outside of the landmark or historic district boundaries.
7. Any addition of a height greater than that of the existing building, if the addition is visible from the street.
8. Substantial removal (i.e., generally more than 50%) or replacement of exterior cladding on a street-facing (including corner side) or primary elevation.
9. Construction of an accessory structure in front of the primary structure.
10. Any undertaking determined major by the Director.

V. **Project (Minor).** Includes, but is not limited to, any of the following:

1. Any demolition or removal of non-character-defining exterior features of a historic resource, including additions, windows, doors, and exterior

siding material that is non-original or otherwise lacking in historic integrity.

2. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a historic resource, including re-roofing in a different material that replicates the existing or original roofing, in-kind replacement of deteriorated exterior features, replacement windows and doors matching the size, design and materials of the existing or original windows and doors and additions on secondary elevations that are not in the same building plane as the primary elevation.
3. Any undertaking to the environmental setting of an individually designated historic resource if the environmental setting is significant to the historic resource and has been defined as significant in the designation report for the historic resource or subsequently determined to be significant by evaluation.
4. In designated districts, demolition and alteration of garages and other accessory structures built within the period of significance on both contributing and noncontributing properties and new construction of such structures on any designated historic property (districts and individual properties).
5. Any undertaking not requiring a permit that materially alters character-defining features of a historic resource or that may have an adverse effect on the significance of a historic resource, including resurfacing exterior finishes (e.g., plaster cement in a radically different texture), or cleaning or painting of masonry.
6. Substantial alterations to non-contributing buildings. For non-contributing buildings that could be rehabilitated to become contributing based on physical, documentary or pictorial evidence, on studying a similar building designed by the same builder or architect, minor alterations including but not limited to one-story rear additions, replacement windows and doors, replacement garage doors, new siding or wall cladding or new dormers are considered minor projects. For non-contributing buildings built outside the period of significance or for which no physical, documentary or pictorial evidence of the original design exists or can be reasonably found through research or investigation, or for which no similar building designed by the same builder or architect is found, these types of minor projects are exempt from review.
7. New fences, walls, retaining walls and driveway gates in a historic or landmark district (including those on non-contributing properties).

8. Work not meeting the definitions above that is required as part of an executed Historic Property Contract, as determined by the Director.

9. Any undertaking determined minor by the Director.

W. **Qualified Professional.** A person whose profession or occupation meets or exceeds the Secretary of the Interior's Professional Qualifications as defined by the National Park Service (36 CFR 61).

X. **Section 106.** The regulations of U.S. Code of Federal Regulations at 36 CFR Part 800.

Y. **Site.** The location of a significant event, occupation or activity, or a building or structure, whether standing or vanished, where the location itself possesses historic or cultural value. A site may also include a cultural landscape. Examples include, but are not limited to, cemeteries, designed or vernacular cultural landscapes, natural features, ruins of a building or structure, etc.

Z. **State Historical Building Code.** Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations

AA. **Structure.** Those functional constructions made for purposes other than creating human shelter. Examples include, but are not limited to, bandstands, bridges, fences, walls, roads, etc.

17.62.040 - Criteria for Designation of Historic Resources

A. **Evaluation of Historic Resources.** When considering applications to designate a historic monument, landmark, historic sign, landmark tree or landmark district, the Director, Historic Preservation Commission, and City Council shall apply the criteria below according to applicable National Register of Historic Places Bulletins for evaluating historic properties, including the seven aspect of integrity: location, design, setting, materials, workmanship, feeling and association (National Register of Historic Places Bulletin #15: "How to Apply the National Register Criteria for Evaluation").

B. **Greene & Greene Structures.** Greene & Greene Structures shall include all buildings, sites, structures, objects and interior fixtures designed by the architectural firm of Greene & Greene, or by Charles Sumner Greene (1868-1957) or Henry Mather Greene (1870-1954). All such structures are automatically designated as Greene & Greene Structures under this category and, as such, are exempt from the designation procedures of this chapter.

BC. **Historic monuments.**

1. A historic monument shall include:

- a. aAll historic resources previously designated as historic treasures before adoption of this Chapter in 2002 are automatically designated as historic monuments and, as such, are exempt from the designation procedures of this chapter,
- b. All historic resources that are listed in the National Register at the State-wide or Federal level of significance (including National Historic Landmarks) are automatically designated as historic monuments and, as such, are exempt from the designation procedures of this chapter, and
- c. aAny historic resource that is significant at a regional, State, or Federal level, and is an exemplary representation of a particular type of historic resource and meets one or more of the following criteria:
 - (1)a. It is associated with events that have made a significant contribution to the broad patterns of the history of the region, State, or nation.
 - (2)b. It is associated with the lives of persons who are significant in the history of the region, State, or nation.
 - (3)e. It is exceptional in the embodiment of the distinctive characteristics of a historic resource property type, period, architectural style, or method of construction, or ~~that~~ is an exceptional representation of the work of an architect, designer, engineer, or builder whose work is significant to the region, State, or nation, or ~~that~~ possesses high artistic values that are of regional, State-wide or national significance.
 - (4)d. It has yielded, or may be likely to yield, information important in prehistory or history of the region, State, or nation.
- 2. A historic monument designation may include significant public or semi-public interior spaces and features, which shall be specified in the designation report prepared for the designation of the property.

DG. Landmarks.

- 1. A landmark shall include all ~~properties~~ historic resources previously designated as a cultural heritage landmark before adoption of this Chapter in 2002 and any historic resource that is of a local level of significance and meets one or more of the criteria listed in Subparagraph 2., below.
- 2. A landmark may be the best representation in the City of a type of historic resource or it may be one of several historic resources in the City that have common architectural attributes that represent a particular type of

historic resource. A landmark shall meet one or more of the following criteria:

- a. It is associated with events that have made a significant contribution to the broad patterns of the history of the City, ~~region,~~ or ~~State~~.
- b. It is associated with the lives of persons who are significant in the history of the City, ~~region,~~ or ~~State~~.
- c. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of a architect, designer, engineer, or builder whose work is of significance to the City ~~or, to the region~~ or possesses artistic values of significance to the City ~~or to the region~~.
- d. It has yielded, or may be likely to yield, information important locally in prehistory or history.

ED. Historic signs.

1. A historic sign shall include all signs in the sign inventory as of the date of adoption of this Zoning Code in 2002 and any sign subsequently designated historically significant by the ~~Historic Preservation Commission~~ City Council that possesses high artistic values. A historic sign shall meet one or more of the following criteria:
 - a. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the façade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.
 - b. The sign is integrated with the architecture of the building.
 - c. A sign not meeting criteria a or b above may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic quality, creativity, or innovation.
2. All other regulations relating to signs shall comply with Chapter 17.48 (Signs).

FE. Landmark trees. A tree shall qualify to be of historic or cultural significance and of importance to the community if it meets any one of the following criteria:

1. It is one of the largest or oldest trees of the species located in the City;
2. It has historical significance due to an association with a historic event, person, site, street, or structure; or
3. It is a defining landmark or significant outstanding feature of a neighborhood.

GF. Landmark districts.

1. A landmark district shall include all landmark districts previously designated before adoption of this Chapter in 2002 and any grouping of contiguous properties that also meet the following criteria:
 - a. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing
 - b. A simple majority (51%) of property owners support the designation at the time of designation by the City Council; and
 - cb. The grouping represents a significant and distinguishable entity of Citywide importance and one or more of a defined historic, cultural, development and/or architectural context(s) (e.g., 1991 Citywide historic context, as amended, historic context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district).
2. When determining the boundaries of a landmark district, the Director, Historic Preservation Commission, Planning Commission and City Council shall use the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties."

17.62.050 - Process for Designating Individual Historic Resources

A. Application for designation of an historic monument, landmark, historic sign, or landmark tree.

1. An application for the ~~nomination~~ designation of a historic monument, landmark, ~~(including applications to designate historic signs, or landmark trees)~~ shall be submitted by a property owner, a member of the Council, a member of the Historic Preservation Commission, or by any interested person who resides in the City.