

# ATTACHMENT A

## 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	Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/delay major projects (except demolition) affecting historic resources eligible for designation; approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. Conduct preliminary reviews of applications for designation of a historic monument, landmark, landmark tree, or historic sign. Determine if a property is contributing or non-contributing to a historic or landmark

district or to a district eligible for designation.  
For public projects, review minor projects affecting historic resources.

Historic Preservation Commission	<p>Review applications for designations of monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</p> <p>Review applications for designations of landmark districts and either forward a recommendation of approval to the Commission and Council or deny the applications.</p> <p>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.</p> <p>For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting historic resources.</p> <p>Review appeals of decisions of the Director.</p> <p>Approve/disapprove applications for relief from the replacement Building Permit requirement for historic resources, outside the CD zoning district.</p> <p>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.</p> <p>Review appeals of penalties for demolition without required approvals.</p> <p>Review advisory comments to the Design Commission for projects requiring both an application for a Certificate of Appropriateness and an application for Design Review.</p>
Design Commission	<p>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.</p> <p>Act as decision-making body on applications for an economic hardship variance in the CD zoning district.</p> <p>As specified in Table 6-2 and Table 6-3, review public projects affecting historic resources (after consulting with and receiving advice from the Historic Preservation Commission).</p>
Planning Commission	<p>Recommend to Council approval/disapproval of landmark district zoning map overlays.</p>
Council	<p>Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts.</p> <p>Call for review/appeals of decision of the Director, Historic Preservation Commission, and Design Commission.</p>

(Ord. 7163 § 5, 2009; Ord. 7160 § 60 Exh. 19), 2009; Ord. 7139 § 9 (Exh. 4), 2008; Ord. 7099 § 44 (Exh. 26), 2007)

**17.62.030 - General Procedures**

**A. Review of applications for Certificate of Appropriateness.**

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.
- 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.

(Ord. 7163 § 6, 2009; Ord. 7099 § 45, 2007; Ord. 7009, § 25, 2005)

**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 Historic Preservation Commission 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. Historic monuments.**

1. A historic monument shall include all historic resources previously designated as historic treasures before adoption of this Chapter, historic resources that are listed in the National Register at the State-wide or Federal level of significance (including National Historic Landmarks) and any 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:
  - 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.
  - b. It is associated with the lives of persons who are significant in the history of the region, State, or nation.
  - c. 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.
  - 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.

**C. Landmarks.**

1. A landmark shall include all properties previously designated a landmark before adoption of this Chapter 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.

**D. Historic signs.**

1. A historic sign shall include all signs in the sign inventory as of the date of adoption of this Zoning Code and any sign subsequently designated historically significant by the Historic Preservation Commission 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).
- E. 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.
- F. Landmark districts.**
- 1. A landmark district shall include all landmark districts previously designated before adoption of this Chapter 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; and
    - b. 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). (Ord. 7099 § 46, 2007; Ord. 7009 § 27, 2005)
  - 2. When determining the boundaries of a landmark district, the Historic Preservation Commission shall use the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties."

(Ord. 7163 § 7-8, 2009; Ord. 7099 § 46, 2007; Ord. 7009 § 27, 2005)

**17.62.050 - Process for Designating Historic Resources**

- A. Application for designation of monument, landmark, historic sign, or landmark tree.**
- 1. An application for the nomination of a historic monument, landmark (including applications to designate signs or 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.
  - 2. If the applicant is not the owner of the property, the Director shall, within 10 days of submittal of the application, notify the owner in writing that an application for designation has been submitted.
  - 3. Within 30 days of submittal of an application for nomination, the Director shall determine if the application is complete and if the nominated property meets the applicable criteria for designation, and shall notify the applicant and/or property owner in writing whether or not the property is eligible for designation.
  - 4. If the Director determines that the property is not eligible for designation, the applicant and/or property owner may appeal the decision to the Historic Preservation Commission, and the Historic

Preservation Commission shall review the nomination at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).

5. If the Director determines that the property is eligible for designation, the Director shall prepare a designation report within 45 days of the determination of eligibility, which shall establish in the record that the property meets the applicable criteria, and schedule a public hearing before the Historic Preservation Commission.
6. For historic monuments or landmarks, the report shall include a map of the property with boundaries for the proposed designation and a legal description of the property. For a historic sign or landmark tree, the report shall include the legal description of the property on which the sign or tree is located.

**B. Review of designation applications.**

1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to deny the application shall be final unless appealed to or called for review by the City Council.
2. Following receipt of the written recommendation from the Historic Preservation Commission, the City Clerk shall schedule a noticed public hearing before the Council within 60 days.
3. The Council may approve, modify, or disapprove the designation of a historic monument, landmark, historic sign, landmark tree or landmark district.

**C. Declaration of designation.**

1. The designation of a historic monument, landmark, historic sign, landmark tree or landmark district shall be approved by a declaration of designation executed by the Mayor.
2. Notice of the designation shall be mailed to the owner of record of the designated property.
3. The City Clerk shall record the declaration in the Office of the County Recorder.

**D. Interim Protection for Historic Resources while designation is pending.**

1. After the Historic Preservation Commission issues a recommendation for approval of an application for designation of a historic monument, landmark, or landmark district no person, owner, or other entity shall undertake a major project without first obtaining approval in compliance with the category 1 review procedures in Section 17.62.090. These interim provisions shall apply only to contributing properties and structures as determined by the Director.
2. The interim protections of this section shall not be applied to applications for a Certificate of Appropriateness deemed complete before a decision has been issued by the Historic Preservation Commission on a proposed designation, including those applications that have been delayed according to Section 17.62.090.D.2.
3. If the Council disapproves an application for designation of a historic monument, landmark, or landmark district, or modifies the boundaries of a district to exclude a property proposed for designation, the interim protections shall no longer apply to those properties and a Certificate of Appropriateness shall no longer be required.

(Ord. 7163 § 9, 2009; Ord. 7160 § 61, 2009; Ord. 7099 § 47, 2007)

**17.62.060 - Rescinding or Amending a Designation**

- A. Procedure for rescinding or amending.** Rescission of, or amendment to, a designation of a historic monument, landmark, historic sign, or landmark tree shall follow the same procedure as the procedure for designation of a historic resource, in compliance with Section 17.62.050, above.

- B. **Required findings.** In rescinding the designation of a historic monument or landmark, the Council shall determine that the historic monument, landmark, historic sign, or landmark tree no longer meets the designation criteria due to findings of fact that:
1. New information compromises the significance of the property;
  2. Destruction of the historic monument, landmark, historic sign, or landmark tree through a catastrophic event has rendered the structure a hazard to the public health, safety, or welfare; or
  3. The historic monument, landmark, historic sign, or landmark tree has been demolished, relocated, or removed.
- C. **Notice of the rescission or amendment.**
1. Notice of the rescission of or amendment to a designation shall be mailed to the owner of record of the subject property.
  2. The City Clerk shall file for removal of the recordation with the Office of the County Recorder.

#### **17.62.070 - Designating Landmark Districts**

- A. **LD overlay zoning district regulations.** The land use and development regulations applicable in a landmark district (LD) overlay zoning district shall be as prescribed for the base zoning district with which it is combined, provided that the requirements of the LD overlay zoning district shall govern where conflicts arise.
- B. **Application for designation.**
1. An application for designation of a landmark district shall be submitted to the Director by a neighborhood organization or owner(s) of property in the proposed district.
  2. The application shall include:
    - a. Documentation by letter or preliminary petition that a majority of the owners of property in the proposed district support the designation;
    - b. A map with the boundaries of the proposed district; and
    - c. An inventory and photographs of all properties in the proposed district, including both contributing and noncontributing properties.
  3. Within 60 days of the determination that the application is complete, the Director shall prepare a designation report, establishing in the record that the landmark district meets, or does not meet, the applicable criteria for designation, and shall schedule a public hearing before the Historic Preservation Commission, noticed and conducted in compliance with Chapter 17.76 (Public Hearings), except that the notice shall apply only to property owners within the boundaries of the proposed district. The designation report from the Director shall include a defined period of significance for each district that meets the criteria for designation.
  4. The hearing by the Historic Preservation Commission shall include a workshop on landmark district designation for property owners and residents of the area.
- C. **Review of landmark district designation application.**
1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to disapprove the application is final unless appealed or called for review by the City Council.
  2. The Historic Preservation Commission's recommendation for approval shall be based on the finding that the landmark district meets the criteria for designation as specified in Section 17.62.040(F) above.

3. Following the public hearing, the Director shall forward the application with the recommendation for designation from the Historic Preservation Commission to the Planning Commission with the submittal requirements in Subsection E. below for a Zoning Map amendment.

**D. Planning Commission review of Zoning Map amendment.**

1. The Planning Commission shall hold a public hearing on the application for a Zoning Map amendment for a landmark district (LD) overlay zoning district.
2. The hearing shall be held no later than 12 months after the date the Director determines the application is complete in compliance with Section 17.60.060 (Initial Application Review).
3. The Planning Commission may consider the Zoning Map amendment application only if the application is accompanied by a final petition with the signatures from at least 51 percent of the property owners as specified in Subsection E., below.
4. If the number of property owners in support of the application is below 51 percent at the time of the hearing or the end of the 12-month period, the application shall be considered withdrawn and ineligible for resubmittal for a minimum period of 12 months in compliance with Section 17.64.090 (Resubmittals).

**E. Required submittals for Planning Commission review of Zoning Map amendment.** The application for a Zoning Map amendment for a landmark district (LD) overlay zoning district shall include the following materials:

1. A petition in support of the designation with signatures of a minimum of 51 percent of the owners of the legal lots within the boundaries;
2. A map with the boundaries of the proposed district;
3. A legal description of the district; and
4. An inventory of all properties in the district including contributing and noncontributing properties.

**F. Planning Commission's review of LD overlay.**

1. The Planning Commission shall review the application at a public hearing and forward a recommendation to the Council.
2. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings) except that the notice shall apply only to property owners within the boundaries of the proposed district.

**G. Council review of application.**

1. Within 30 days of the decision by the Planning Commission, the Director shall request that the City Clerk schedule a public hearing by the Council and shall submit the following documentation to the City Clerk:
  - a. Recommendations from the Historic Preservation Commission and the Planning Commission;
  - b. A map with the boundaries of the proposed district; and
  - c. A legal description of the proposed district.
2. The Council shall review the application at a public hearing.
  - a. Within 30 days of the receipt of the documentation identified in Subparagraph 1., above, the City Clerk shall schedule a public hearing before the Council.
  - b. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings) except that the notice shall apply only to property owners within the boundaries of the proposed district.
3. The Council may approve, modify, or disapprove the designation.



4. Approval by the Council shall be based on the finding that the landmark district meets the criteria for designation as specified in Subsection 17.62.040(E) above.
  5. The landmark district designation shall be approved by a declaration of designation to be executed by the Mayor.
  6. The City Clerk shall record the declaration in the Office of the County Recorder.
- H. **Procedure for rescission of or amendment to a landmark district or conservation plan.**
1. Rescission of a landmark district overlay or an existing conservation plan and amendments to the boundaries of a landmark district overlay or to an existing conservation plan for a district shall follow the procedures identified above for designation of a landmark district. The following criteria shall apply to amendments to boundaries of a landmark district overlay:
    - a. Within the boundaries of an area added to an existing landmark district, a minimum of 60 percent of the properties shall qualify as contributing, and
    - b. The petition in support of the application shall have signatures from a minimum of 51 percent of the owners of the legal lots within the area proposed for inclusion in the district.
  2. If an existing conservation plan for a landmark district is rescinded, regulatory reviews of projects shall follow the procedures of this chapter.

(Ord. 7160 § 62, 2009; Ord. 7099 § 48, 2007)

**17.62.080 - Acquisition of Historic Easements on Facades**

- A. **Historic easements acquired by condemnation, donation, or purchase.** Historic easements on the facades of structures designated as historic monuments or landmarks may be acquired by the City through condemnation, donation, or purchase.
- B. **Contents of historic easements.** An historic easement would include any condition, covenant, easement, or restriction running with the land designed to preserve and maintain the significant features of the historic monuments or landmarks.

**17.62.090 - Alteration, Demolition, or Relocation of a Historic Resource**

- A. **Exception to Certificate of Appropriateness requirement.** A Certificate of Appropriateness is not required for properties already entitled for demolition or major alteration through an adopted Master Development Plan, Planned Development, Development Agreement, Adjustment Permit, Use Permit, Variance or similar land use approval - or for demolitions analyzed and cleared through an adopted negative declaration, mitigated negative declaration, or certified EIR.
- B. **Compliance with Section.** No person, owner, or other entity shall undertake a major or minor project to a designated historic resource or historic resource eligible for designation or new construction in a landmark or historic district as defined below without first obtaining approval in compliance with this Section.
- C. **Application submittal requirements.**
  1. Any person, owner, or entity applying for a permit for exterior work that substantially alters, demolishes, or relocates a designated historic resource or historic resource eligible for designation, for work that alters a designated interior or alters or removes a fixture designed by Greene and Greene, or by Charles or Henry Greene, or for new construction in a designated district shall submit to the Department an application for a Certificate of Appropriateness, plans, specifications and/or other documentation pertaining to the work as required by the Director.
  2. Alterations not requiring a Building Permit, but identified for Design Review in an adopted conservation plan shall be subject to the same submittal requirements.
- D. **Compliance with California State Historical Building Code.**

1. Any designated historic resource may, upon request of the applicant for a permit, be subject to the provisions of the California State Historical Building Code if the work is required to comply with the Secretary's Standards.
2. The California State Historical Building Code may also apply to an un-designated property if the Director determines that the property qualifies for a historic designation.

**E. Review procedures for historic resources.**

1. **Category 1 review procedures.** Category 1 review procedures shall apply to all designated historic resources.
  - a. **Decision within 30 days.** If the proposed work is a major or minor project that affects a designated historic resource, the Director or the Historic Preservation Commission as required by this Chapter shall render a decision within 30 days after receiving a complete application, provided the work is not part of a project that requires an Initial Study or Environmental Impact Report.
  - b. **Major project.** The Historic Preservation Commission may approve, approve with conditions, or disapprove a Certificate of Appropriateness for a proposed major project.
  - c. **Minor project.** The Director may approve, approve with conditions, or disapprove a minor project.
  - d. **Economic Hardship Variance.** At the time of application for a Certificate of Appropriateness, an applicant may apply to the Historic Preservation Commission for an Economic Hardship Variance.
    - (1) **Proof of economic hardship.** The application shall include proof by the owner of the property of economic hardship.
    - (2) **Documentation required by Director.** The Director may require the documents and/or testimony necessary to substantiate a claim of economic hardship.
    - (3) **Findings for Economic Hardship Variance.** The approval of an Economic Hardship Variance shall be based on the findings that:
      - (a) The owner of the property is qualified as very-low or low income; and
      - (b) If the Certificate of Appropriateness is for an income-producing property, the property is not in a state caused by demolition by neglect.
2. **Category 2 review procedures.** Category 2 review procedures shall apply to an eligible or potentially eligible historic resource.
  - a. **Decision within 30 days.** If the proposed work is a major project affecting a historic resource determined eligible for designation, the Historic Preservation Commission or Director shall render a decision within 30 days of the submittal of a complete application, provided the work is not part of a project that requires another discretionary action requiring an Initial Study or Environmental Impact Report.
  - b. **Director's determination of compliance with criteria.** In reviewing a proposed major project except demolition and front yard fences or walls affecting a historic resource that is not designated, but determined to be eligible for designation, the Director shall determine if the historic resource meets the criteria for designation as a historic monument, landmark, or for listing in the National Register, or is a contributing structure to a potential historic district.
  - c. **Determination of alteration or new construction as a significant adverse effect.** If the work is not part of a project that requires another discretionary action and the historic resource meets the criteria for one of the above designations or listings or has a 2, 3, 4 or 5S2 status code in a historic resources survey, the Director shall determine if the proposed major project constitutes:
    - (1) A significant adverse effect; or

- (2) Not a significant adverse effect.
  - d. **If not a significant adverse effect.** If a major project does not constitute a significant adverse effect, the Director shall approve the project.
  - e. **If a significant adverse effect.** If a project would result in a significant adverse effect, the Director may delay the project for a period up to but not exceeding 180 days.
  - f. **Director's efforts during delay.** During the delay period, the Director may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the structure to another site or identifying other alternatives for preservation.
  - g. **If a significant adverse effect that can be mitigated.** If a project would result in a significant adverse effect that can be mitigated, the Director may approve the major project with conditions that comply with the Secretary's Standards.
  - h. **Demolition project.** If a project involves a demolition of a historic resource determined eligible for designation with a 2, 3, 4, 5S2, or 5D2 status code as defined by the State Office of Historic Preservation's Historical Resources Status Codes, the Historic Preservation Commission shall review the application at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).
  - i. **Historic Preservation Commission's action to delay demolition.** The Historic Preservation Commission may delay the demolition for a period of up to but not exceeding 180 days.
  - j. **Historic Preservation Commission's efforts during delay.** During the delay period, the Historic Preservation Commission may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the structure to another site, or identifying other alternatives for preservation, or it may proceed with the designation of the property as a historic monument or landmark.
  - k. **End of delay period.** At the end of a delay period established by either the Director or Historic Preservation Commission, the Director shall issue the certificate of appropriateness, which may include any changes to the original project that were agreed upon during the delay period.
3. **Required findings for approval of a Certificate of Appropriateness.** Approval of a Certificate of Appropriateness shall be based on the following findings:
- a. If a project is a demolition or relocation, including demolition in a historic or landmark district, the project will not cause a significant adverse effect as defined in the State CEQA guidelines; or
  - b. If a project is an alteration or new construction, the project complies with the Secretary's Standards or adopted guidelines based on the Secretary's Standards.
4. **Additional findings for demolition of historic resources (excluding non-contributing structures).** In addition to the findings required in Section 17.62.090.E.3, the Commission must make one of the following findings to approve demolition of a designated historic resource:
- a. The building has experienced severe structural damage and there is substantial evidence to support this conclusion from at least two sources (e.g., structural engineer, architect); or
  - b. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site—and there is substantial evidence to support this conclusion from at least two sources (e.g., structural engineer, architect); or
  - c. A compelling public interest justifies demolition.
5. **Conditions of approval.** As a condition of approval for demolition, the Commission may require historic materials to be salvaged from a property, and it may require archival-quality photo-

documentation of the building and/or architectural drawings similar to those required for the Historic American Buildings Survey (HABS).

(Ord. 7163 § 11, 2009; Ord. 7160 § 63, 2009; Ord. 7099 § 49, 2007)

#### **17.62.100 - Replacement Building Permit Requirements**

- A. **A. Building Permit required before issuance of a demolition permit.** No permit for the demolition of a structure that is a primary structure on a property may be issued unless a Building Permit has been issued for construction of a replacement project or structure. This requirement applies solely to any primary structure(s) on a property determined by the Director.
- B. **Relief from the requirements of this Section.**
1. An applicant for a demolition may apply to the Historic Preservation Commission for relief from the requirements of this Section. The Historic Preservation Commission may approve the application if:
    - a. The structure to be demolished is not a designated historic resource or a resource eligible for designation (excluding noncontributing structures in landmark districts and historic districts);
    - b. The demolition does not result in the loss of habitable dwelling units on a property zoned for residential use; and
    - c. The proposed demolition would not result in the disruption of a continuous grouping of architecturally significant structures or create an inappropriate void in the existing architectural or visual character of the area.
  2. In lieu of the findings identified in Subparagraph 1., above, the Historic Preservation Commission may also approve the application if it finds that granting relief from the requirements of this Section serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.
  3. The Director shall be the review authority on applications for relief from the requirements of this Section if the demolition involves a structure determined ineligible for historic designation.

(Ord. 7099, § 50, 2007; Ord. 7009, § 26, 2005)

#### **17.62.110 - Review of Major Projects Affecting City-Owned Historic Resources**

- A. **Designated historic resources.** The Historic Preservation Commission shall review major projects affecting City-owned, designated historic resources, including changes to designated public and quasi-public interior spaces, and forward its recommendation on these projects to the Design Commission.
- B. **Historic resources determined eligible for designation.** The Director may also request the Historic Preservation Commission to review major projects affecting City-owned historic resources determined eligible for designation, and to forward recommendations on these projects to the Design Commission.

#### **17.62.120 - Demolition or Alteration of a Historic Resource without a Permit**

- A. **Failure to comply with this Chapter.**
1. Demolition, including demolition by neglect, or alteration of any designated historic resource, including designated historic resources within the Central District, without compliance with this Chapter is expressly declared to be a nuisance, and shall be abated by reconstructing or restoring the property to its condition before the performance of work in violation of this Chapter, or in the case of demolition by neglect, by completing the work as required to stabilize and arrest further deterioration of the property.

2. The owner of the property shall begin the corrective work identified in Subparagraph 1., above, within 30 days of receiving notice from the Director about an illegal alteration, demolition, or a citation of demolition by neglect in violation of this Chapter. The corrective work shall be diligently pursued and completed within 12 months of the date of the Director's notice.
  3. The property owner may apply to the Historic Preservation Commission to extend the 12-month deadline.
  4. The Historic Preservation Commission may extend the time period if it finds that the corrective work cannot reasonably be performed within 12 months.
  5. If the owner fails to complete the necessary work as described above, then the City may, after a noticed public hearing before the Historic Preservation Commission, cause the stabilization, reconstruction, or restoration to be done, and the owner shall reimburse the City for all costs incurred in doing the work.
  6. The cost of the work performed by the City shall constitute a lien against the property on which the work is performed.
  7. Restoration or reconstruction may only be required when plans or other evidence are available to effect the reconstruction or restoration to the satisfaction of the Director.
- B. Penalty for demolition without a Certificate of Appropriateness.**
1. **Designated historic resource.** If a designated historic resource is demolished without a Certificate of Appropriateness as required by this Chapter or a Demolition Permit, and is not restored or reconstructed as required by Subsection A., above, no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a period of five years.
  2. **Eligible historic resource.** If an eligible historic resource is demolished without a Certificate of Appropriateness as required by this Chapter or a Demolition Permit, and is not restored or reconstructed as required by Subsection A., above, no building or construction-related permits shall be issued for a period of four years.
  3. **All other structures.** If a structure not classified as a designated or eligible historic resource, or noncontributing building in a landmark district, is demolished without a Certificate of Appropriateness as required by this Chapter, or a Demolition Permit, no building or construction-related permits shall be issued for a period of 12 months. This penalty applies solely to illegal demolition of primary structures on a site and does not apply to accessory structures.
  4. **Date of actual demolition.** For purposes of this Section, the demolition shall be presumed to have occurred on the date the City has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed.
- C. Director shall provide notice.**
1. The Director shall provide notice by certified mail of the applicability of this Section to the owner, as shown on the rolls of the County Tax Assessor, and any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this Section are applicable to the subject property.
  2. The date the City first had actual knowledge of the demolition shall be stated in the notice.
- D. Director's decision may be appealed to the Historic Preservation Commission.**
1. **Appeal in compliance with Chapter 17.72.** The decision of the Director that this Section is applicable to the subject property may be appealed by the property owner to the Historic Preservation Commission in compliance with Chapter 17.72 (Appeals).
  2. **Historic Preservation Commission's action to grant relief.** The Historic Preservation Commission may grant relief from the requirements of this section:

- a. If the violation of this Section did not involve a designated historic resource (excluding noncontributing structures in districts) or a historic resource that was eligible for landmark designation either individually or as part of a district or listing in the National Register of Historic Places either individually or as part of a listed district or district eligible for listing; or
  - b. If it finds that the new construction serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.
3. **Council's consideration of an appeal.**
- a. The applicant and/or property owner may appeal the decision of the Historic Preservation Commission regarding either Subparagraphs 1. or 2., above, to the Council.
  - b. The Council shall consider the appeal at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).
  - c. The Council's action on the appeal shall be final.
4. **All property shall be maintained in an orderly state.** All property subject to the provisions of this Section shall be maintained in an orderly state.
5. **Installation and maintenance of landscaping required.** The owner shall maintain all existing trees and landscaping on the property where the demolition occurred, and, when appropriate, shall sod and seed the property or otherwise install planting and landscaping materials in a manner satisfactory to the Director.
6. **Design review of new construction.** Any new construction on the subject property after the time period within which building and other development permits may not be issued shall be subject to Design Review by the Historic Preservation Commission, if located outside of the Central District.

E. **Additional requirements for compliance.**

1. **Determination of previous appearance or condition.** Restoration or reconstruction may only be required when plans or other evidence are available to the City from which the prior appearance or condition of the structure can be determined. In the event the appearance of the structure before the unapproved work cannot be determined, the owner shall obtain all required permits for the alteration or new construction.
2. **Compliance with Secretary's Standards or applicable design guidelines.** For an alteration or new construction in a landmark or historic district, all work authorized by the permits shall comply with the Secretary's Standards or applicable guidelines, and shall be reviewed by the Director for compliance with this Chapter.
3. **Shall constitute a separate offense.** In compliance with Section 1.24.030 of the Municipal Code, each day the alteration exists without approval or a valid Building Permit shall constitute a separate offense.

F. **Violations.**

1. **May be charged as misdemeanors.** In compliance with City Charter Section 512, and Municipal Code Chapter 1.24, a violation of this Chapter may be charged by the City prosecutor as a misdemeanor and be punished accordingly.
2. **Penalties are cumulative and not exclusive.** The criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violations.

G. **Public safety exceptions.**

1. **Preservation of the health and safety of the public.** Notwithstanding any other provision of this Chapter, the Director may authorize permits to demolish, relocate, remove, or significantly alter a designated or eligible historic resource if a permit is necessary for the preservation of the health and safety of the public.

2. **Limited to work necessary to protect the public.** Approval in compliance with this Subsection shall be limited to the work necessary to protect the public.

(Ord. 7009 § 28, 2005)

#### **17.62.130 - Incentives for Preserving Historic Resources**

- A. **Council shall adopt a program of economic incentives.** In order to carry out more effectively and equitably the purposes of this Chapter, the Council shall by resolution adopt a program of economic and other incentives to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.
- B. **Preservation incentives.** Preservation incentives shall be made available to owners of properties that are individually designated historic monuments or landmarks, or individually listed in the National Register of Historic Places, or properties that are contributing to designated landmark districts, or districts listed in the National Register through:
  1. **Reduction of Building Permit fees and construction tax.** A reduction of Building Permit fees and construction tax for the following projects found to be in compliance with the Secretary's standards:
    - a. Exterior work that includes the repair, replacement, or restoration in kind of significant architectural features.
    - b. Re-roofing with similar material or repair and replacement of roofing where the roof is a significant architectural feature.
    - c. Relocation to another site inside the City.
    - d. Restoration of significant fixtures designed by Greene and Greene or other designated interior spaces.
    - e. Seismic reinforcement and other structural stabilization and repair.
  2. **Waiver of covered parking requirements.** For designated historic resources, the requirement for two covered parking spaces — when adding floor area to a residential dwelling — shall be waived if an existing one-car garage contributes to the significance of the property and/or district and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the dwelling.
  3. **Variances for Historic Resources.** Variances for historic resources may be granted in compliance with Section 17.61.080.
  4. **Historic Property Contracts.**
    - a. **Purpose.**
      - (1) The purpose of this Subparagraph is to implement State law (Government Code Sections 50280-50290), allowing the approval of Historic Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to enter into contracts with the City.
      - (2) The Council finds and determines that entering into Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate and preserve their properties.
      - (3) The Council further finds that the preservation will assist in maintaining the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the General Plan about preserving historically and architecturally significant structures.
    - b. **Limitations on eligibility.**

- (1) It is the intent of the Council that unrealized revenue to the City from property taxes not collected due to executed Historic Property Contracts shall not exceed a total of \$75,000.00 annually, or \$25,000.00 for any one individual property, unless approved by the Council.
- (2) In furtherance of this policy, Historic Property Contracts shall be limited to a maximum of 20 single-family residential properties each year and six multi-family residential, commercial, or industrial properties each year, unless the Council approves additional contracts beyond these limits.
- (3) For the purpose of this Subparagraph, "assessed valuation" does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

**c. Required provisions of Historic Property Contracts.**

- (1) The required provisions of a Historic Property Contract shall be those required by State law (Government Code Sections 50281 and 50282) including the following specifications:
  - (a) The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date.
  - (b) The contract agreement is to assist the preservation of the historic resource; therefore, restoration and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation (Department of Parks and Recreation), the Secretary's Standards, and the State Historical Building Code.
  - (c) The owner agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the City, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.
  - (d) The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract.
  - (e) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.
  - (f) The procedure for notice of non-renewal by the owner or the City, shall be as identified in State law (Government Code Section 50282 (a), (b), and (c) and Section 50285).
- (2) Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated.
- (3) Additionally, the contract shall state that if the City cancels the contract for any of these reasons the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historic Property Contract.
- (4) The contract shall also provide that in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty.



However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

- (5) The City shall maintain a sample "Historic Property Contract" with all required provisions specified by this Subparagraph.
- d. **Administrative Guidelines.** The City Manager, or designee, shall issue administrative guidelines for implementation of the Historic Property Contract process.

(Ord. 7163 § 12, 2009; Ord. 7099 § 51, 2007; Ord. 7009 § 29, 2005)

### **17.80.020 - Definitions**

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

#### **Historic Preservation.**

The following terms and phrases are defined for the purposes of Chapter 17.62 (Historic Preservation).

1. **Adverse Effect (also Significant Adverse Effect).** An activity or action that may potentially diminish the significance of a historic resource.
2. **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.
3. **California Register of Historical Resources (also California Register).** The State Statute codified in the California Public Resources Code Section 5020.1 et seq.
4. **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.
5. **Contributing Property.** A property within a designated landmark district or historic district listed in the National Register that has characteristics and features that relate to the historic context and historic significance of the district and that has been specified in the designation or listing as contributing.
6. **Demolition.** The complete destruction or removal of a structure or object, removal of more than 50 percent of the perimeter walls, or substantial of a structural wall of a street-facing elevation of a structure that may have an adverse affect on the significance of a property.
7. **Demolition by Neglect.** The failure to provide ordinary and necessary maintenance and repair 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:
  - a. 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.
  - b. 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.
8. **Economic Hardship Variance.** A variance granted to a property owner or applicant by the Historic Preservation Commission or Director to approve an application 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.

9. **Environmental Setting.** The entire lot as of the date of landmark or historic monument designation, on which is located a landmark or historic monument, 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.
10. **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 landmark or monument. 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.
11. **Historic Context.** A broad pattern of historical development in a community or its region, which may be represented by historic resources.
12. **Historic District.** A district listed in the National Register of Historic Places.
13. **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.
14. **Historic Resource Planning Area (also HRPA).** A grouping of historic resources identified in the 1993 Citywide reconnaissance survey (or future update of this survey) as an area that merits further study for identifying properties that may be eligible for landmark designation or listing in the National Register (as a district or individual property).
15. **Historically Significant Structure or Site.** A structure or site listed in the National Register of Historic Places (either individually or as contributing to a district), a property designated as a landmark or monument, a property contributing to a district listed in the National Register of Historic Places or a landmark district, or a property identified in an intensive-level historic resources survey as qualifying for a historic designation (either individually or as part of a district).
16. **Landmark District.** A grouping of properties that meets the criteria of Section 17.62.040.F and is so designated by the City Council.
17. **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).
18. **Noncontributing Property.** A property in the boundaries of a landmark district or district listed in the National Register and lacking architectural characteristics relating to the historic context and historic significance of the district, and identified in the designation or listing as noncontributing.
19. **Period of Significance.** Refers to the span of time during which a property or a grouping of properties has attained significance relating to the criteria for designation (e.g., the era when the neighborhood was substantially developed or the end of a certain historical period).
20. **Project (Major).** Includes any of the following:
  - a. Any demolition or relocation of a structure or object, or removal of a significant feature of a historic resource, including significant interior fixtures designed by the firm of Greene and Greene.
  - b. Any undertaking requiring a permit that significantly alters or changes the street-facing elevation or side elevations of a historic resource, including major changes to windows and

doors or 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.

- c. Any addition of square footage to a building elevation that faces a street.
- d. Front yard fences and walls in a historic or landmark district (excluding retaining walls), including those proposed on non-contributing properties.
- e. New construction in a designated landmark and or historic district except for accessory structures.
- f. Demolition of a non-contributing building in a designated landmark or historic district.
- g. Any addition of a height greater than that of the existing building, if the addition is visible from the street.

21. **Project (Minor).** Includes any of the following:

- a. Any demolition or removal of insignificant exterior features of a historic resource, including additions, windows, doors, and exterior siding material that is non-original or otherwise lacking in historic integrity.
- b. 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, replacement windows and doors matching the design and materials of the existing or original windows and doors (when it is infeasible to repair) and minor additions on secondary elevations and replacement windows and doors on secondary elevations.
- c. Any undertaking to the environmental setting of a designated historic resource that is individually designated as a landmark or historic monument or individually listed in the National Register if the environmental setting is significant to the historic resource and has been defined as significant in the designation report for the historic resource.
- d. 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).
- e. Any addition of less than 200 square feet on the front elevation or any addition on a non-street-facing side elevation or rear elevation if visible from a public right-of-way.
- f. Any undertaking not requiring a permit that materially alters significant features of a historic resource or that may have an adverse effect on the significance of a historic resource, including replacement of windows and doors in existing openings, resurfacing exterior finishes (e.g., plaster cement in a radically different texture), or abrasive cleaning of masonry.
- g. Substantial alterations to non-contributing buildings.
- h. For non-contributing buildings that could be rehabilitated to become contributing, minor alterations including 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 of the district, these types of projects are exempt from review.
- i. Side yard fences and walls and driveway gates in a historic or landmark district (excluding retaining walls).
- j. Any undertaking determined minor by the Director.

22. **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.

23. **Section 106.** The regulations of U.S. Code of Federal Regulations at 36 CFR Part 800.
24. **State Historical Building Code.** Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

#### **OTHER SECTIONS OF THE ZONING CODE THAT RELATE TO HISTORIC PRESERVATION:**

**17.22.080.C (Multi-Family Residential Projects): Incentives for the preservation of historic resources.** In developments that preserve historic resources and structures with a California Historical Resources Status Code of 6L (determined ineligible for local listings or designation through local government review process; may warrant special consideration in local planning) or Status Codes of 1-5 (properties with a historic designation or eligible for historic designation), a decision may be made through the Design Review process to waive development standards or accept alternative solutions to assist in the preservation of these structures. The decisionmaker may waive or grant up to a 50 percent reduction to the main garden (and thereby accordingly reduce the total garden requirement), waive some or all of the required architectural elements and modulation requirements, if such action is reasonably necessary to accommodate such preservation. The total garden requirement may not be reduced by more than the amount of square footage reduction of the main garden.

#### **17.28.080 - LD Landmark Overlay District**

- 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.
- B. **Allowable land uses.** All land uses allowed in the base zoning district as permitted or conditional uses are allowable in the LD overlay district in compliance with the land use permit requirements of the base zoning district.
- C. **Development standards.** Development standards in the LD overlay district shall be those of the applicable base district. In the event of a conflict, the provisions of the LD district shall control.
- D. **Zoning Map designation.** LD overlay districts shall be depicted on the Zoning Map by adding the suffix "LD" to the base district designation, followed by the number of the LD district based on order of adoption.
- E. **Application of district and development review procedures.** The requirements of this Zoning Code for the application of the LD overlay district to property, and administrative procedures for the review of proposed development within an LD overlay district are in Chapter 17.62 (Historic Preservation).

#### **17.28.100 - OC Office Conversion Overlay District**

- A. **Purpose.** The purpose of the OC overlay is to allow for the creation of zoning districts in which structures of historic significance can be converted to office uses.
- B. **Applicability.** The OC overlay shall apply to the areas designated on the official zoning map of the City, and shall be combined with the underlying base district for the area.
- C. **Allowable land uses.** All land uses in the base zoning district that are permitted or conditionally permitted are allowed in the OC overlay district except that the reuse of historic structures shall be limited to those uses included under the definition of Offices - Administrative Business Professional in Article 8 (Glossary of Specialized Terms and Land Use Types).
- D. **Permit requirements.** Minor Conditional Use Permit approval, in compliance with Section 17.61.050, shall be required to authorize the reuse of a structure in compliance with this section.
- E. **Conditions of approval.** In granting a Minor Conditional Use Permit approval, the review authority, at a minimum, shall adopt the following conditions of approval.
  - 1. Any modifications to the exterior of the structure shall be subject to review and approval in accordance with category 1 review procedures outlined in Section 17.62.090.E.1.
  - 2. The hours of operation of any business shall be limited to 7:00 a.m. through 8 p.m.
  - 3. Each structure may have one sign, not to exceed eight square feet in size. The sign may be freestanding or located on a structure's wall, and shall not exceed a height of four feet measured from existing grade. Any freestanding signs shall be located within five feet of the structure. The design and materials of any sign shall be compatible with the structure.
  - 4. Exterior lighting shall be designed to confine emitted light to the property, and the light source shall be visually screened from surrounding properties and streets in compliance with Section 17.30.080 (Lighting).
  - 5. Any structure over 3,000 square feet in size shall provide one residential unit on the premises. Any bungalow court must retain one bungalow as a residential unit.
  - 6. If a proposed use displaces residential households or tenants, the applicant shall comply with Municipal Code Sections 16.46.050 and 16.46.060 relating to relocation financial assistance.
- F. **Parking.** Parking shall be provided in compliance with Chapter 17.36 (Parking and Loading) except as follows:
  - 1. A minimum of 2.5 parking spaces shall be provided for each 1,000 square feet of gross floor area.
  - 2. Parking shall not be allowed in the front setback or corner side yard setback.
  - 3. No loading space shall be required.
- G. **Expansion.** The expansion of a use approved in compliance with this section shall comply with the development standards of the CO (Commercial Office) zoning district.

(Ord. 7163 § 3, 2009)

#### **17.50.140 - Lodging - Bed and Breakfast Inns**

- A. **Purpose.** The purpose of this Section is to ensure compatibility between the bed and breakfast inn and nearby residential uses and provide an incentive for designation as a landmark.
- B. **Permit requirements.** Minor Conditional Use Permit approval, in compliance with Section 17.61.050, shall be required to authorize the use of a structure in compliance with this Section.
- C. **Eligibility criteria.** In order for a structure to be eligible for a Minor Conditional Use Permit for use as a bed and breakfast inn, the following conditions shall be met:
  - 1. The structure shall be located in a RM-16, RM-16-1, RM-32, or RM-48 multi-family residential or a CO, CL or CD zoning district; and

2. The structure shall be designated as a landmark.
- D. **Exterior appearance.** The exterior appearance of the structure housing the bed and breakfast inn in a residential zoning district shall not be altered from its original residential character except for allowed signs, and any structural modifications necessary to comply with Title 24 of the California Code of Regulations.
- E. **Limitation on guest rooms.** The bed and breakfast inn shall be limited to a maximum of five guest rooms.
- F. **Limitation on services provided.**
  1. Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only.
  2. Separate/additional kitchens for guests are not allowed.
  3. A bed and breakfast inn within a residential zoning district shall not be used for private parties, receptions, or similar activities, unless the activities are specifically authorized by the Conditional Use Permit approval for the bed and breakfast inn, in compliance with Section 17.61.050.
- G. **Off-street parking.**
  1. Off-street parking shall be provided at a ratio of one space for each guest room, plus two covered spaces for the on-site owner/manager of the bed and breakfast inn.
  2. Parking shall not be located in a front and/or corner side yard setback, including yard areas that may exceed the minimum setback requirements.
  3. Any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels determined to be necessary for safety, and shall comply with Section 17.40.080 (Outdoor Lighting).
- H. **On-site management.** A manager shall be present on the site at all times.
- I. **Signs.** See Chapter 17.48.

**17.50.250.E.1.f (Residential Accessory Structures) Modification by Historic Preservation Commission.** For designated landmarks or structures in a designated 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, and only upon finding that the greater height is necessary in order to achieve a design that is architecturally compatible with the main structure.

**17.61.080.H; Variances for Historic Resources.**

1. **Purpose.**
  - a. A Variance for Historic Resources is intended to accommodate historic resources that are undergoing adaptive 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 reuse 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.
  - d. Adaptive use is 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.