

## **Article 3: Zoning**

### **Division 2: Designation of Historical Resources Procedures**

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§123.0201 Purpose of Historical Resource Designation Procedures**

The purpose of these procedures is to establish a process to identify and designate for preservation those *historical resources* that embody the special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritages.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§123.0202 Designation Process for Historical Resources**

- (a) Nominations. Nominations of a *historical resource* to become a *designated historical resource* may originate from the Historical Resources Board, the City Manager, the City Council, or any member of the public including the property owner by submitting a research report or similar documentation, as identified in the Historical Resources Guidelines of the Land Development Manual, to the Board's administrative staff for consideration by the Board. Nominations from the City Manager may originate as a result of a site-specific survey required for the purpose of obtaining a construction or *development permit* consistent with Section 143.0212.
- (b) Public Notice to Owner. The owner of a property being considered for designation by the Historical Resources Board shall be notified at least 10 *business days* before the Board hearing. Notice to the owner shall contain information about the potential impacts of designation and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.

- (c) Adequacy of Research Report. The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report. The revised research report may be prepared by City staff or volunteers, with a copy provided to the owner at least 10 *business days* before the next Board meeting at which the designation will be considered. If a final decision is not made within 90 calendar days of receipt of a nomination for designation, the consideration of the property by the Board shall terminate unless a continuance has been granted at the request of the property owner.
- (d) Continuance. At the request of the property owner, the Historical Resources Board shall grant a continuance of one scheduled Board meeting after the motion has been made to designate a *historical resource*.
- (e) Historical Resources Board Decision. The Historical Resources Board shall review the Research Report and shall make a decision on whether to designate a *historical resource* based on the criteria specified in, and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual. The action to designate shall require the affirmative vote by six members of the Board.
- (f) *Findings*. The decision to designate a *historical resource* shall be based on written *findings* describing the historical significance of the property.
- (g) Re-initiation of Designation Proceedings. Designation procedures may not be re-initiated within 5 years without owner consent, absent significant new information.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 12-15-2006 by O-19557 N.S.; effective 1-14-2007.)*

**§123.0203     Appeal From Historical Resources Board Decision**

- (a) The action of the Historical Resources Board in the designation process is final 11 *business days* following the decision of the Board unless an appeal to the City Council is filed with the City Clerk no later than 10 *business days* after the action of the Board. The decision of the Historical Resources Board may be appealed by an *applicant* or an *interested person*. An appeal shall be in writing and shall specify wherein there was error in the decision of the Board. The City Council may reject designation on the basis of factual errors in materials or information presented to the Board, violations of bylaws or hearing procedures by the Board or individual member, or presentation of new information.
- (b) Upon the filing of the appeal, the City Clerk shall set the matter for public hearing as soon as is practicable and shall give written notice to the property owner and the appellant of the time and date set for the hearing. At the public hearing on the appeal, the City Council may by resolution affirm, reverse, or modify the determination of the Board and shall make written *findings* in support of its decision.
- (c) The appellant may withdraw an appeal at any time prior to the commencement of the public hearing before the City Council. The withdrawal of the appeal must be in writing and filed with the City Clerk. If the appellant withdraws an appeal, no appeal hearing will be conducted. The withdrawal of an appeal does not entitle the appellant to any refund of appeal-related costs or fees incurred as of the date of the withdrawal.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 8-9-2019 by O-21115 N.S.; effective 9-8-2019.)*

**§123.0204     Recordation of Designated Historical Resources**

No later than 90 calendar days following the final decision to designate a *historical resource*, the City Manager shall record the designation with the County Recorder.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§123.0205    Amendment or Revision of Historical Resource Designation**

The Historical Resources Board may amend or rescind any designation of a *historical resource* in the same manner and procedure as was followed in the original designation. This action may be taken only if there is new information, the discovery of earlier misinformation, or a change in circumstances surrounding the original designation.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§123.0206    State and National Register**

The City Council shall consider endorsing the nomination of a *historical resource* for inclusion in the California Register of Historic Resources and the National Register of Historic Places upon recommendation of the Historical Resources Board.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*