

Chapter 15 Preservation of the Cultural and Historic Environment

15.010 – Purpose

It is hereby found that structures, sites and areas of special character of special historic, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety, and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and desuetude of such structures, sites and areas. The purpose of this Chapter is to promote the health, safety, and general welfare of the public through.

- A. The protection, enhancement, perpetuation, and use of buildings, structures, sites, objects, and districts, including archaeological sites, that are reminders of past eras, events, and persons important to local, state, or national history, or which provide significant examples of architectural styles of the past or area landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
- B. The development and maintenance of appropriate settings and environments for such structures.
- C. The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest.
- D. The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past.

15.020 - Powers and Duties of the Historic and Cultural Preservation Committee and Planning Commission

- A. The Historic and Cultural Preservation Committee:
 - 1. Shall hear and approve, approve with modifications, or disapprove permit applications for construction, alteration, demolition, and repair or maintenance work to a designated landmark site or structure in accordance with Section 15.050(A) of this Chapter.
 - 2. Shall hear and approve, approve with modifications, or disapprove applications for construction, alteration, demolition, and repair or maintenance work on structures or sites within historic districts, as provided in Sections 15.050 and 15.070 of this Chapter.
 - 3. Shall hear and make a determination on applications for demolition as provided in Section 15.060 of this Chapter.
 - 4. Shall hear and make a determination on referrals as provided in Section 15.090 of this Chapter.
 - 5. Shall hear and make a recommendation to the Planning Commission, as required by this Article, on applications for the designation of landmarks and historic districts.
 - 6. Shall hear and make a recommendation to the Planning Commission on applications for zoning amendments related to this Chapter or other associated preservation related items.
 - 7. May establish and maintain a list of structures and other landmarks deserving official recognition although not designated as landmarks or historic districts, and recommend appropriate measures for recognition.
 - 8. May, upon request of the property owner, advise with respect to any proposed work not requiring a City Permit on a designated landmark site or in a designated historic district. Examples of the work included but not limited to painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing, and installation of light fixtures. In advising, the Historic and Cultural Preservation Committee shall be guided by the purposes and standards specified in this Chapter.

- B. The Planning Commission:
 - 1. Shall, after receiving recommendation from the Historic and Cultural Preservation Committee and conducting a public hearing, make a recommendation to the City Council, concerning designation of landmarks and historic districts, as provided in Section 15.040(G) of this Chapter.
 - 2. Shall, after receiving recommendation from the Historic and Cultural Preservation Committee and conducting a public hearing, make a recommendation to the City Council concerning zoning text amendments related to this Chapter.
 - 3. Shall consider the decision of the Historic and Cultural Preservation Committee on any permit as part of a project that also requires discretionary review by the Planning Commission to avoid conflict between preservation practice and use or legislative decisions to the extent practicable.
- C. Both the Planning Commission and the Historic and Cultural Preservation Committee may consult with and shall consider the ideas and recommendations of recognized historic preservation organizations, and in cases affecting commercial property, the affected business community, and obtain professional advice as may be deemed necessary.
- D. When discretionary actions by both the Planning Commission and the Historic and Cultural Preservation Committee are required for a single project, the two bodies may consider their respective entitlements in a joint hearing as long as all applicable requirements of the ordinance and applicable law are met by such a joint hearing.

15.030- Recognized Historic Preservation Organization

Recognized historic preservation organizations are defined as registered nonprofit organizations composed of citizens interested in historic preservation.

15.040 - Designation of Landmarks and Historic District by Ordinance

- A. Landmarks shall be defined as buildings or sites listed on the State Office of Historic Preservation's directory of historic properties (i.e., Historic Properties Data Inventory), or designated by the City as a local landmark, except that buildings or sites located within the National Register Historic District shall not automatically be considered to be a landmark, unless individually so designated by the City Council in accordance with the provisions of this Chapter.
- B. The City Council may by ordinance designate:
 - 1. One or more individual structures or other features, or integrated groups of structures and features on one or more lots or sites, having a special character or special historical, architectural, or aesthetic interest or value, as landmarks, and shall designate a landmark site for each landmark.
 - 2. One or more areas containing a number of structures having special character or special historical architectural or aesthetic interesting value, and constituting distinct sections of the City, as historic districts.
- C. Each designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features in addition to those features which would be affected by work described in Section 15.050(A1-2) that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.
- D. The property designated as a landmark or a historic district shall be subject to the control and standards contained in this Chapter. In addition, the property shall be subject to the following further controls and standards if imposed by the designating ordinance:

1. For a publicly owned landmark, review of proposed changes in major interior architectural features.
 2. For a historic district, such further controls and standards as the City Council finds necessary or desirable, including, but not limited to, facade, setbacks, and height controls.
- E. The City Council may amend or rescind a designation only by ordinance. The procedure for amending or rescinding a designation shall be the same as that for the original designation.
- F. **Initiation of Designation.** Initiation of designation proceedings shall be by resolution of the City Council, or by the written application of the property owners. The Planning Commission or the Historic and Cultural Preservation Committee may initiate and recommend the designation of a landmark or historic district to the City Council. Applications for designations shall be filed with the Community Development Department upon forms prescribed by the Director and shall be accompanied by all data required by the Planning Commission. An application for designation of a historic district must be described by or on behalf of at least fifty-one percent (51%) of the property owners in the proposed district. The date of initiation is the date the resolution is adopted or a valid application is filed.
- G. **Procedure.** Where Planning Commission and City Council hearings are required, the proceedings for recommendation and for referral in cases where the City Council does not support the recommendation, shall be the same as those provided in Chapter 25 (Amendments) for rezoning.
- H. **Hearing by Historic and Cultural Preservation Committee and Planning Commission.** The Historic and Cultural Preservation Committee and the Planning Commission shall hold public hearings on a proposal to designate a landmark or historic district, with notice given as provided for rezonings in Section 25.050(A). Notice shall also be mailed to recognized historic preservation organizations.
1. **Action and Time Limit.** The Historic and Cultural Preservation Committee shall make a recommendation to the Planning Commission on the designation. The Planning Commission shall consider the degree of conformity of the proposed designation with the purposes and standards of this Chapter and the General Plan. The Planning Commission shall make a recommendation to the City Council to approve, approve with modifications, or disapprove the proposal within one hundred twenty (120) days after the initiation of designation proceedings. If the Planning Commission disapproves the proposal, no further action shall be required unless appealed.
 2. **Notice of Action.** The Planning Commission shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the City Council.
- I. **Designation by City Council.** The City Council shall hold a public hearing concerning the designation. Notice of time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission. The City Council may approve, or modify and approve, or deny the designation.
- J. **Notice of Designation by City Council.** When a landmark or historic district has been designated by the City Council, the City Clerk shall promptly notify the owners of the property included therein. The City Clerk shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder.
- K. **Conformity Required.** Construction, alteration, demolition, repair, maintenance, or removal work for which a City permit is required is prohibited on a designated landmark site or in a designated historic district unless reviewed by the Historic and Cultural Preservation Commission and/or approved by the Planning Commission, as provided in Section 15.050 and 15.070, or unless the work conforms with the provisions of Section 15.100(B), Unsafe or Dangerous Conditions.

15.050 - Review of Permit Applications to Construct or Alter Designated Structures or Structures in Designated Areas

- A. **Permit Required for Work to a Designated Landmark Site or Structure.** No person shall do any work listed below to a designated landmark site or structure without first obtaining review and permit approval from the Historic and Cultural Preservation Committee.

The work listed below on any structure or site within a designated historic district, shall require approval of the Historic and Cultural Preservation Committee, pursuant to procedures in Section 24.010 et al.

1. Exterior alterations, as defined below, shall be subject to review and approval by the Historic and Cultural Preservation Committee. Alterations of a minor nature, as defined below, shall be subject to administrative review and approval, and shall not require public noticing.
 2. Alteration shall be defined as any change, including repair or replacement of damaged or worn materials, to the exterior appearance of a building, and shall include, but is not limited to, finish materials; windows; doors; signs, including the removal, repair, or repainting of historic signs; awnings; threshold materials; and change in paint colors. Alteration shall also include, but is not limited to, proposals which affect the streetscape, such as landscaping; light poles; outdoor use areas; and mechanical equipment.
 3. Minor nature shall be defined to include, but is not limited to, alterations which involve routine maintenance, paint touch-up, or repainting with same colors, which does not substantially change the existing appearance of the structure. Exterior alterations of a minor nature should follow the recommendations of the Petaluma Historic Commercial District Design Guidelines.
- B. **Application for Permit.** The Department shall maintain a current record of designated landmarks and historic districts, and such lists shall be referred to by the Building Division before issuance of permits. Applications for permits to do work for which a permit is required by Section 15.050(A) shall be submitted to the Department for processing. Application shall include plans and specifications showing the proposed exterior appearance, color, and texture of materials, and the proposed architectural design of the exterior of the structure. Where required by the Historic and Cultural Preservation Committee, applications shall also show the relationship of the proposed work to the environs. If the application does not provide sufficient information for review by the Historic and Cultural Preservation Committee, the Department shall require the omitted information from the applicant.
- C. **Procedure.** Where Historic and Cultural Preservation Committee hearings are provided for by this Chapter, the proceedings for action, referral and appeal shall be the same as those provided in Section 24.030(E) and (F) for conditional use permits.
- D. **Hearing by Historic and Cultural Preservation Committee.** The Historic and Cultural Preservation Committee shall hold a public hearing on the applications for modifications to landmark sites per Section 15.050(A). Notice of such hearing is to be given as required for conditional use permits in Section 24.030(E) and (F) and shall include written notice to recognized historical preservation organizations.

15.060 - Review of Applications for Demolition Permits

- A. **Applications for Demolition Permits.** Applications for demolition permits shall be referred to the Historic and Cultural Preservation Committee for review and determination, when the Director determines that a structure has potential historic or cultural significance. The following exceptions to this provision shall apply: permits for buildings posing an immediate danger to the public safety, health and welfare, as determined by the Director and the Chief Building Official, and/or applications of a routine, minor nature not warranting further review, as determined by the Director. When demolition of a historic structure is permitted, the applicant shall be required to salvage, to the extent possible, building materials, fixtures, doors, and other items of a historic nature, for reuse or to be made available to interested parties.

When determining whether a structure has potential historic or cultural significance, the Director may require the property owner to submit an official evaluation of the property prepared by a qualified historian or archaeologist,

and may use the following California Register of Historical Resources criteria, which states that a resource may be significant if it is:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. Associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic value; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

B. Findings.

1. **Finding of No Significance.** If the Historic and Cultural Preservation Committee determines that a structure is not culturally or historically significant, the application shall be returned to the Director with a finding of no significance and the demolition permit shall be issued.
2. **Finding of Significance.** In cases where the Historic and Cultural Preservation Committee determines the structure has cultural or historical significance, the Committee shall make the findings as outlined below, deny the application for demolition, except as provided in Section 15.080 of this Chapter, and shall forward its decision to the Director. Mandatory findings of significance are as follows:
 - a. The structure is of historical/cultural significance when listed on a local, state, or national register or survey.
 - b. The structure is eligible for listing on a local, state, or national register or survey.
 - c. Demolition of said structure will be detrimental to the aesthetic and/or economic vitality of the community.
 - d. Any of the criteria used by the Director to determine the historical or cultural significance of the property.

15.070 - Review of Applications to Construct, Alter, or Demolish Designated Structures or Structures in Designated Areas

- A. **Standards for Review.** When evaluating applications, the Historic and Cultural Preservation Committee shall use the California Register of Historic Resources criteria outlined in Section 15.060(A)(1-4), the Secretary of the Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and shall consider the architectural style of the building, design, arrangement, relationship to surrounding buildings and historic character of the area, texture, materials, color, and any other pertinent factors. Applications shall not be approved unless:
1. **Landmark Sites.** The proposed work shall not adversely affect the exterior architectural characteristics or other features of the landmark, and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features, nor adversely affect the character or historical, architectural, or aesthetic interest or value of the landmark and its site.
 2. **Historic Districts.** The proposed work shall not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district. In addition, applications shall be consistent with standards included in the designating ordinance.

15.080 - Showing of Hardship in Cases of Proposed Alteration, Demolition, or Construction

If the applicant presents facts clearly demonstrating to the satisfaction of the authorized reviewing body that failure to approve the application will cause immediate and substantial hardship because of conditions peculiar to the particular structure or other features involved and not created by an act of the owner, the reviewing body may approve such application even though it does not meet the standards set forth in either this chapter or designating ordinance. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships. The reviewing body may require the applicant to provide documentation, such as structural engineering reports, verifying hardship.

15.090 – Director Referral to Historic and Cultural Preservation Committee

The Director may refer other projects which are not designated as landmarks or which are not located within an historic district, to the Historic and Cultural Preservation Committee for approval upon determining that the site or structure may be of historic or cultural significance, in accordance with any of the findings listed under Section 15.060 (A)(1-4), of this Chapter.

15.100 - Applicability and Enforcement

A. Applicability.

1. No application for a permit to construct, alter, demolish, or remove any structure or other feature on a proposed landmark site or in a proposed historic district, filed subsequent to the date of initiation or proceedings to designate the landmark site or historic district, shall be approved while the proceedings are pending; provided, however, that if final action on the designation has not been completed one hundred eighty (180) days after initiation of designation proceedings, the permit application may be approved.
2. The provisions of this Chapter shall be inapplicable to the construction, alteration, demolition, or removal of any structure or other feature of a landmark site or in a historic district, where a permit for the performance of such work was issued prior to initiation of proceedings for designation of the landmark site or historic district, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

B. Unsafe or Dangerous Conditions. None of the provisions of this Chapter shall prevent any measures or construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Chief Building Official or the Fire Marshal, and where the proposed measures have been declared necessary by such official to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved, may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by act of God, to such an extent that in the opinion of the aforesaid officials it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

C. Duty to Keep in Good Repair. The owner, lessee, and other person in actual charge or possession of a landmark, a structure in a historic district, or any other cultural or historically significant property, shall keep in good repair all of the exterior portions of such landmark or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion.

D. Filing Fees. There shall be no filing fees beyond those required by other sections of the City Code for any application, or to commence any proceedings under this Chapter.

E. Methods of Enforcement. This section shall be enforced in accordance with the provisions of Section 26.010 and Section 26.020 of the Zoning Ordinance and Section 1.08.010 of the Petaluma Municipal Code dated January 1972. The Director shall have the authority to implement the enforcement thereof by serving notice requiring the

removal of any violation of this Chapter upon the owner, agent, tenant, or occupant of the building or land, or upon the architect, builder, contractor, or other person who commits or assists in any such violation.

15.110 - Adoption of Design Guidelines

The City Council may, by resolution, adopt design guidelines and preservation guidelines to be applied to an historic district. Major amendment to such guidelines shall be by resolution of the City Council. Minor amendments which do not affect the intent of the Guidelines or result in a substantial change to standards or recommendations may be administered by staff.